

ACTS

ACCESSION NO. 33010

RECEIVED

OF THE

CATALOGUED

EIGHTY-FIFTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

SEVENTEENTH UNDER THE NEW CONSTITUTION.



FREEHOLD, N. J.:

PRINTED BY JAMES S. YARD.

1861.



ACTS

OF THE

EIGHTY-FIFTH LEGISLATURE.

CHAPTER I.

AN ACT to regulate the Public Printing.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That David Naar, of Trenton, New Jersey, and F. F. Patterson, of Trenton, New Jersey, be employed to execute the current printing of the Senate, during the present session thereof.

2. *And be it enacted*, That David Naar, of Trenton, New Jersey, be employed to execute the current printing of the House of Assembly during the present session thereof.

3. *And be it enacted*, That John Simerson, of Belvidere, New Jersey, be employed to print the journal of the senate and appendix thereto, and the proceedings of joint meeting, with an index for the current year, in as compact a form as a proper execution of the work will admit.

4. *And be it enacted*, That John H. Lyon & Co., of Jersey City, New Jersey, be employed to print the minutes and appendix of the house of assembly, with an index thereto for

the current year; and that both the journal of the senate and minutes of the house of assembly, shall be printed in every way to correspond in compactness and manner of execution, and size of page, with a running head line specifying the day and date of the month, as per sample of the senate journal and appendix, and minutes and appendix of the house of assembly of eighteen hundred and sixty, now on file in the office of the secretary of state.

Laws.

5. *And be it enacted*, That James S. Yard, of Freehold, New Jersey, be employed to print the laws which shall be enacted at the present sitting of the legislature, in as condensed a form as a proper execution of the work will admit of, on large octavo pages, trimmed as directed by the secretary of state, and bound as per sample filed with the secretary of state, and in all other respects, namely: printing, binding and paper, to correspond with the sample of the laws of eighteen hundred and sixty, now on file in the office of the secretary of state.

Bills to be audited.

6. *And be it enacted*, That before the treasurer shall pay for the printing hereby directed, the secretary of state shall audit the bills, and certify to him in writing that the work has been executed in all respects as herein directed.

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

EDMUND PERRY,

President of the Senate.

FREDERICK H. TEËSE,

Speaker of the House of Assembly.

Approved January 25, 1861.

CHARLES S. OLDEN.

CHAPTER II.

A supplement to the 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.'"

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Rate of interest.} *the State of New Jersey,* That "the Newark Aqueduct Board" shall have full power and authority to issue the bonds mentioned in the fourteenth section of the act to which this is a supplement, at a rate of interest not exceeding seven per centum per annum, and to make said bonds redeemable at any time not exceeding fifty years, in the discretion of the board, and to make the interest payable, with or without coupons, semi-annually, at the city of Newark or the city of New York, and said coupons to be signed by the treasurer of said city of Newark, and to adopt such measures to prevent a fraudulent issue or transfer of such bonds, by registry or otherwise, as they may deem expedient.

2. *And be it enacted,* That in case of the institution of any ^{Title of property.} legal proceedings in regard to lands or water rights, contemplated by the ninth and tenth sections of said act, the title to and right of possession of such property shall become vested in the Mayor and Common Council of the city of Newark immediately upon the payment into court, or to the owners or otherwise, by the said board, of the value of or damage to said property, which shall be fixed by said proceedings.

3. *And be it enacted,* That the election of members of the said board, contemplated by the twenty-fifth section of said act, shall be held and conducted in the same manner, and subject to the same rules and regulations, except as is otherwise provided in said act, as are or shall be prescribed by law for the election of municipal officers of the said city of New-

ark; in case any ballot shall contain the name of more than one person as a member of said board, such ballot shall not be wholly rejected, but only so much thereof as relates to members of said board.

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

Approved January 29, 1861.

CHAPTER III.

A further supplement to the "Act to incorporate the Trenton City Bridge Company, passed March eighth, eighteen hundred and forty-two."

May increase
capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of the Trenton City Bridge Company to convene a meeting of the stockholders of said company, giving the same notice thereof as is required to be given of the annual elections of said company; and that said stockholders, or a majority of them, voting according to the rule and in the ratio prescribed for the election of directors, may determine at said meeting, or at any adjourned meeting, to increase the capital stock of said company, by the creation of two thousand additional shares of stock, of twenty-five dollars each, and if they so determine said capital stock shall be deemed to be increased accordingly; and the said directors may from time to time procure subscriptions for, or dispose of said ad-

ditional shares so created, and may call in the installments thereon in the same manner as is prescribed with regard to the original stock; and such additional shares shall be deemed to be a part of the capital stock of said corporation as fully as if they had been created by the original act of incorporation.

2. *And be it enacted*, That unless the directors of said company shall, within six months hereafter, file their assent to this act, in writing and under the seal of said corporation, in the office of the secretary of this state, this act shall be deemed to be void. Assent of company.

3. *And be it enacted*, That this act shall take effect immediately after the passage of a like supplement by the legislature of Pennsylvania. When to take effect.

Approved January 30, 1861.

CHAPTER IV.

AN ACT to incorporate the Eagle Mills Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob S. Rogers, Jason Rogers, Columbus B. Rogers, Robert S. Hughes, and Aaron Pulhamus, and such other persons as may be hereafter associated with them, and their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of Eagle Mill Manufacturing Company, for the purpose of manufacturing Corporators, and nature of business.

cotton, wool and silk, and generally all articles composed of one or more of these materials in their several branches, in the city of Paterson, and of carrying on the business incident thereto; and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing, pleading, defending and answering, and being sued, impleaded, defended and answered unto, in all courts and places whatsoever, and in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is hereby created; and they and their successors, by the same name may be capable to acquire, purchase, receive, have, hold and enjoy, and again to sell or otherwise to dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of said corporation, or any part thereof, shall not be used in banking operations.

Proviso.

Duties and
powers of di-
rectors.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, being stockholders, (one of whom shall be president,) who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the city of Paterson; and each stockholder shall at such election be entitled, in person or by proxy, to as many votes as he or she shall hold shares of

the capital stock of said corporation; and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors, and the directors chosen at one election, shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, 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 for that purpose; and that the said Jacob S. Rogers, Jason Rogers, Columbus B. Rogers, Robert S. Hughes and Aaron Pulhamus, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in April next, and until others are legally chosen.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, it shall and may be lawful to and for the corporation to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders respectively all such sums of money by them subscribed, at such times, and such proportions, as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose,

Capital stock, and how to be increased.

by public notice previously published for the space of thirty days, in one or more newspapers printed in said city, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

Books to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Personal estate.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders except from and out of the actual net profits of the said corporation.

Proviso.

Elections.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such elections on such other days as shall be prescribed by the by-laws of the said corporation.

By-laws, &c.

7. *And be it enacted*, That a majority of directors for the time being, shall form a board for transacting the business of the said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

Proviso.

Proper books to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered

in the book or books to be kept by the president and directors for that purpose.

9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, 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 purpose aforesaid. How corporation may be dissolved. Proviso.

10. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage; *provided nevertheless*, that the legislature reserve the right to alter or amend this act whenever the public good may require it. Limitation. Proviso.

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

Approved January 30, 1861.

CHAPTER V.

AN ACT to change the name of John Brown to that of John Cray.

Preamble.

WHEREAS, John Brown, of the town of Lambertville, in the county of Hunterdon, has been adopted by Abraham Cray, of the same place, and is desirous of having his name changed to John Cray, and no reason appearing to the contrary—therefore,

Name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of John Brown, of the town of Lambertville, in the county of Hunterdon, be and the same is hereby changed to John Cray, 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 John Brown.

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

Approved January 31, 1861.

CHAPTER VI.

AN ACT to incorporate the Hoboken Academical Society.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Corporators.} *the State of New Jersey*, That Louis Huesmann, Louis Korbett, Leonard J. Stiastry, John George Linnemann, Charles L. Rubsamén, Louis Althof, Alexander Aschenberg, Francis Bolting, Moses S. Cohen, Henry Huster, Ignatz E. Keller, Hans Kudlich, George H. Lindner, and Albert Pfautz, and all other persons as now are or shall hereafter become their associates, are hereby created, declared, and constituted a body corporate and politic, by the name and style of "the Hoboken Academical Society," and by that name shall possess all the powers and privileges of a corporation.

2. *And be it enacted*, That the said corporation hereby ^{Powers and privileges,} created shall possess all the powers and privileges that are possessed by corporations incorporated under and by virtue of an act entitled, "An act to incorporate societies for the promotion of learning," approved April sixteenth, one thousand eight hundred and forty-six.

3. *And be it enacted*, That the capital stock of the said ^{Capital stock.} corporation shall not exceed the sum of thirty thousand dollars, and shall be divided into shares of ten dollars each, which shall be transferable in the manner and upon the conditions that shall be prescribed by the by-laws of the said corporation; and said corporation may commence its operations as soon as the sum of three thousand dollars of its capital stock shall be subscribed.

4. *And be it enacted*, That no stockholder shall be entitled ^{Elections.} to vote in said corporation, at any election for officers, or in any other matter, unless he shall have been elected to membership in said corporation; and any stockholder may be

elected a member of said corporation at such time, in such manner, and under such restrictions and conditions, as the by-laws of such corporation shall prescribe, and each member shall be entitled to but one vote at any election or meeting of the said corporation.

Trustees.

5. *And be it enacted*, That the affairs of the said corporation shall be managed by a board of trustees, fourteen in number, and the persons named in the first section of this act shall be the first trustees of said corporation, until the first Monday of June, eighteen hundred and sixty-one, or until new trustees shall be elected in their place.

Duties of trustees.

6. *And be it enacted*, That the said corporation, at a general meeting of its members, shall have power to make and enact such constitution, by-laws, rules, and regulations, for the government and management of its affairs, and the carrying into complete effect its objects, as shall not be contrary to the laws of this state, and from time to time alter, modify and repeal the same, and by said constitution, by-laws, rules and regulations, may determine what officers shall be elected and appointed, the mode and manner of the election and appointment of its officers and trustees, and divide the trustees into classes, and elect each class annually, and determine and regulate the powers and duties of the said trustees, their time of meeting, and what shall constitute a quorum thereof, but except when such constitution and by-laws shall otherwise prescribe said board of trustees shall possess all the powers of the said corporation.

Corporation may receive gifts, &c.

7. *And be it enacted*, That the said corporation may take and receive by gift, demise, and bequest, any money and property whatever, in addition to the property the said corporation is entitled to have and to hold by virtue of this act, which, and the proceeds of which, shall at all times be kept securely invested in such manner as the said constitution and by-laws shall prescribe, and the principal of which shall not be used, alienated or disposed of, and the interest of which, or the income therefrom, shall be used and applied in and

about the purposes of education, as the said board of trustees shall from time to time direct.

8. *And be it enacted*, That no trustee of the said corporation shall receive any compensation whatever for his services as such trustee, or as an officer of such corporation. No pay to trustees.

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

Approved January 31, 1861.

CHAPTER VII.

Supplement to an act entitled "An act to establish the city of Elizabeth."

WHEREAS, the office of receiver of taxes of the city of Elizabeth has become vacant, and no provision is made by the act to which this is a supplement, or by the acts supplemental thereto, for filling any vacancy that may occur therein; and whereas, no provision is made for filling the vacancies in the boards of judges of election, occasioned by the abolishment of the office of collector of taxes in the several wards—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Elizabeth be and they are hereby authorized and empowered to appoint a person as receiver of taxes of the city of Elizabeth, to fill the vacancy now existing, or any vacancy which may hereafter occur in the said office; and the person so Council may appoint receiver of taxes

appointed shall exercise and perform the powers and duties, be entitled to the emoluments, and subject to the penalties and provisions mentioned and referred to in the act entitled "A supplement to 'An act to establish the city of Elizabeth,' approved March twenty-second, eighteen hundred and sixty."

Deputies may
be appointed.

2. *And be it enacted*, That the receiver of taxes of the city of Elizabeth be and he is hereby authorized and empowered, with the consent of the city council, to appoint one or more deputies, not exceeding one for each ward, who shall have power to do all and every act or acts which it may be lawful for the said receiver of taxes to do; and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said receiver of taxes.

Security to be
given.

3. *And be it enacted*, That the city council may require the said receiver of taxes, and his deputy or deputies, to give security for the faithful performance of the duties of their respective offices.

Relating to
tax warrants.

4. *And be it enacted*, That every justice of the peace of the county of Union is hereby authorized and directed, whenever any tax warrant issued by any justice of the peace of said county for the collection of taxes in the said city shall be presented to him by the receiver of taxes, or any of his deputies, or the city clerk of said city, to renew the same by extending the time for its return for sixty days from the date of such renewal; and said warrant so renewed shall have the same force and effect as it had when issued.

Judges of elec-
tion.

5. *And be it enacted*, That at the annual spring election held in the city of Elizabeth, there shall be elected two judges of election for each ward, who, with the assessor of the ward, shall be the judges of election in such ward; *provided*, that in the election of said judges of election, no ballot shall contain the name of more than one person to be voted for as a judge of election, and in case any ballot shall contain the names of more than one person voted for for said office, both names shall be rejected.

Proviso.

Former acts
repealed.

6. *And be it enacted*, That all acts and parts of acts in-

consistent with the provisions of this act, be and the same are hereby repealed.

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

Approved February 1, 1861.

CHAPTER VIII.

AN ACT providing for the distribution of the personal estate of John Arnoll, deceased.

WHEREAS, John Arnoll, late of the city of Trenton, in the Preamble. county of Mercer, and state of New Jersey, departed this life in the month of October, in the year eighteen hundred and fifty-eight, leaving Procena Arnoll, his widow, and John H. Arnoll, a natural son, born of a former wife of said John Arnoll prior to the lawful marriage of said parents, which marriage was consummated shortly after the birth of the said John H. Arnoll; and whereas, the said John H. Arnoll always lived with his parents until the death of his said father, a period of over twenty-four years, except when he was absent at school, under the direction of his father, who gave him a liberal education, and always provided for all his wants, treated him with great affection and always recognized him as his only son; and whereas, the real estate of which the said John Arnoll died seized, was by an act of the legislature of this state, approved March twenty-seventh, eighteen hundred and fifty-nine,

vested in his said widow, Procena Arnoll; and whereas, the personal estate of the said John Arnoll, deceased, remaining in the hands of his administrators for distribution, after the payment of all his debts and the expenses of administration, now amounts to about seven thousand dollars; and whereas, the said John Arnoll has left no lawful heirs who can inherit the said personal estate—therefore,

Distribution of
property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the whole surplusage of the goods, chattels and personal estate of the said John Arnoll, deceased, shall be distributed in the manner following, that is to say: one-half part of the said surplusage to the widow of the said John Arnoll, and the other half to the said John H. Arnoll; *provided however*, that nothing in this act contained shall in any manner interfere with the lawful claims of any person whatever to the said personal estate, other than those claiming or to claim under the state of New Jersey, or the overseers of the poor of the township in which said intestate died; *and provided further*, that the said John H. Arnoll shall give to the said Procena Arnoll a bond of indemnity, with security, to be approved by the chancellor, to secure her against any claim that may be made to the half of said personal estate by any person whatever.

Proviso.

Proviso.

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

Approved February 1, 1861.

CHAPTER IX.

A further supplement to the act entitled, "An act for the more easy partition of lands held by co-parceners, joint tenants and tenants in common."

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Appointment of commis-}
the State of New Jersey, That in case the term of office of ^{sioners.}
any justice or judge who shall have made or who shall here-
after make an appointment of commissioners for the division
of real estate, as provided in the act to which this is a sup-
plement, shall have expired, or shall hereafter expire, then
any justice or judge of the same court, or the court to which
such justice or judge belonged, may order the said commis-
sioners to sell such real estate, in the same manner as such
justice or judge could have done in case his term of office had
not expired.

2. *And be it enacted,* That this act shall take effect imme-
diately.

Approved February 1, 1861.

CHAPTER X.

A further supplement to the act entitled "An act respecting the orphan's court, and the power and authority of surrogates."

How costs
may be award-
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a cause respecting the probate of the will of any person deceased, or who shall hereafter die, shall be tried, and other evidence shall be offered by the person or persons contesting such will, besides the subscribing witnesses thereto, and probate thereof shall be granted, then the court, if it shall appear that the person or persons contesting such will had reasonable cause therefor, may make such decree respecting the payment of the costs and expenses as could have been made previous to the supplement approved March seventeenth, eighteen hundred and fifty-five, to the act to which this is a supplement.

Former act re-
pealed.

2. *And be it enacted*, That so much of the twelfth section of the above mentioned supplement, approved March seventeenth, eighteen hundred and fifty-five, as conflicts with this supplement, be and the same is hereby repealed.

Letters of ad-
ministration.

3. *And be it enacted*, That letters of administration, with the will annexed, hereafter issued by any surrogate in this state, shall be in form and of the purport following, to wit: To all to whom these presents shall come, greeting:

Whereas, ———, late of the county of ———, in the state of ———, departed this life, having made and executed a last will and testament, which has been duly proved, according to law, before the surrogate of the county of ———; and whereas, (the said testator failed to appoint any executor thereof,) or, (the executor named therein has renounced the trust imposed upon him by said will,) or, as the case may be,

Therefore I, ———, surrogate of the county of ———, do

hereby appoint — administrator of all and singular the goods, chattels and credits of said deceased, who is duly authorized to administer the same agreeably to said will.

In witness whereof, I have hereunto set my hand and seal of office, this — day of —, A. D. —.

—, Surrogate.

And when such administrator shall be appointed by any court in this state, the letters to be issued thereon shall recite the fact of such appointment.

4. *And be it enacted*, That all letters of guardianship issued in this state to testamentary guardians shall be in form and of the purport following, to wit: Letters of guardianship.

To all to whom these presents shall come, greeting:

Whereas, —, late of the county of —, in the state of —, in and by his last will and testament, duly proved before the surrogate of the county of —, did appoint — to be guardian of the person and property of —, an infant, under the age of twenty-one years; and whereas, the said — has accepted of the said appointment and entered into bond according to law,

Therefore I, —, surrogate of the county of —, do hereby certify that the said — is duly authorized to execute the said trust according to law and the terms of the said last will and testament.

In witness whereof, I have hereunto set my hand and seal of office, this — day of —, in the year of our Lord one thousand eight hundred and —.

—, Surrogate.

5. *And be it enacted*, That for issuing and sealing such Fees. letters the surrogate shall be entitled to the sum of one dollar.

6. *And be it enacted*, That all bonds required by law to be taken by any surrogate of this state, shall forthwith be recorded by him in a suitable book to be procured by him for that purpose, for which he shall be entitled to receive ten cents per folio; and the record thereof, or a duly certified copy of the same, shall be received as evidence in all courts of record of this state. Bonds to be recorded.

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

Approved February 1, 1861.

CHAPTER XI.

A supplement to the act entitled, "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six.

License fees to
be paid to
townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the court of common pleas, of the county of Mercer, shall pay over all moneys which he shall receive from persons licensed by the court of common pleas to keep inns and taverns in the townships of Ewing, Hopewell, Lawrence, East Windsor, West Windsor, Hamilton and Washington, to the collector of the township in which such person or persons shall be licensed, for the use of the township, and that all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

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

Approved February 9, 1861.

CHAPTER XII.

AN ACT relative to the election of township officers, by the inhabitants of the townships of Newton, Stillwater and Lafayette, in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of* Part of former act repealed.
the State of New Jersey, That so much of the act entitled
“An act to authorize the election of overseers of the high-
ways by districts, in the township of North Brunswick, in
the county of Middlesex; and the townships of Newton and
Stillwater, in the county of Sussex; and the township of
Livingston, in the county of Essex,” approved March fourth,
eighteen hundred and fifty-eight, as applies to said townships
of Newton and Stillwater in the county of Sussex, be and
the same is hereby repealed.

2. *And be it enacted*, That so much of the act entitled Former act repealed.
“An act to authorize the inhabitants of the townships of
Newton, Stillwater, and Lafayette, in the county of Sussex,
to vote by ballot at their town meetings,” approved March
tenth, eighteen hundred and fifty-eight, be and the same is
hereby repealed.

3. *And be it enacted*, That this act shall take effect im-
mediately.

Approved February 9, 1861.

CHAPTER XIII.

A further supplement to an act entitled "An act to incorporate the West Jersey Railroad Company," approved February fifth, eighteen hundred and fifty-three.

May subscribe
for stock of
Salem railroad

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the West Jersey Railroad Company be and they are hereby authorized to subscribe for and take any portion of the capital stock of the Salem Railroad Company, not to exceed in amount twenty thousand dollars, (\$20,000.00).

May endorse
bonds.

2. *And be it enacted*, That the West Jersey Railroad Company be and they are hereby authorized to endorse the bonds of the Salem Railroad Company, and the bonds of the extension of the Millville and Glassborough Railroad Company, to Cape Island city, for an amount not exceeding one hundred thousand dollars for each road.

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

Approved February 9, 1861.

CHAPTER XIV.

AN ACT to incorporate the United Presbyterian Church of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of* Corporators.
the State of New Jersey, That John R. Smith, Robert Eakins, Andrew Elvin, William Morrison, Charles Beggs, and Hugh W. Todd, and others their associates, now and hereafter worshipping in the church on the south side of Smith street, in the city of Paterson, in this state, according to the forms, rules, creed and discipline of the United Presbyterian Church, be and they are hereby constituted and made a body corporate in law, by the name of the United Presbyterian Church of Paterson, and shall have succession and be capable of suing and being sued, impleading and being impleaded in all courts of law and equity, may have a common seal, and alter the same at pleasure, and be capable of buying, holding, selling and conveying any estate, real and personal, for the use and benefit of said corporation; *provided*, such real and Proviso. personal estate shall not at any time exceed in value twenty thousand dollars.

2. *And be it enacted*, That the business and affairs of said Trustees, and duties of. corporation shall be conducted by a board of trustees consisting of six persons, five of whom shall all be members of said church, or of the congregation worshipping as aforesaid, and shall be chosen by such congregation annually upon the second Thursday of May, in each year hereafter; that the said John R. Smith, Robert Eakins, Andrew Elvin, William Morrison, Charles Beggs, and Hugh W. Todd, shall be the first board of trustees, and shall continue in office until the second Thursday of May next; and the pastor of said congregation shall be ex officio a member of said board and president thereof; and that notice of every election of trustees shall be announced publicly from the pulpit to such con-

gregation when duly assembled, at least ten days before such election, and shall also be published by written notice, signed by said pastor or by one or more of the trustees, and put up on the door of said church for like space of time; and that in case of neglect or failure to elect trustees in any year, the trustees then in office shall continue in office until their successors shall be legally chosen, and that nothing herein contained shall be construed to prevent said corporation from selling their present church edifice and property, or said congregation from removing to some other place or places of worship, from time to time, and enjoying there all the powers, rights and privileges conferred by this act.

By-laws, &c.

3. *And be it enacted*, That the board of trustees of said corporation may, from time to time, pass such lawful rules, by-laws and ordinances as they may deem proper for regulating the manner of holding and conducting elections under this act, and for using and protecting the property of said corporation, and for the management of the temporal affairs thereof, and may have power to lease, sell, convey and mortgage said property, or any part thereof, for the purposes and benefit of the said church.

Deed to
church made
valid.

4. *And be it enacted*, That whereas, on the twenty-eighth day of September, Anno Domini eighteen hundred and fifty-eight, Jason Rogers and Mary Ann, his wife, by deed dated on that day, and duly delivered and recorded in book (E 2) of deeds for Passaic county, in this state, on page one hundred and thirty-nine, &c., conveyed in fee simple and with covenants of warranty, a certain tract of land lying on the south side of Smith street, in Paterson aforesaid, and particularly described in said deed, to "the pastor and trustees of the United Presbyterian Church of Paterson, New Jersey," the party of the second part in said deed named; and whereas, the trustees aforesaid were the persons who purchased said lot of land for said congregation, and were intended to be designated by said name of said second party in said deed; and whereas, they and said congregation have since erected a large and costly house of worship on said lot,

and now find that the title to said house and lot, by reason of their mistake in giving the name of their church, is not vested in said church as it should be, and as it was intended; therefore, that the title to the said lot of land in said deed described, and to said house of worship erected thereon, be and the same is hereby vested in fee simple in the said "the United Presbyterian Church, of Paterson," who are hereby empowered to have, hold, use, possess, occupy and enjoy the same in fee simple, and to lease the same and to mortgage the same, and to convey the same in fee simple, for the uses and benefit of said church, as fully and entirely as they could have done if the same had been conveyed to them by the said Jason Rogers and wife by their said deed.

5. *And be it enacted*, That nothing herein contained shall be construed to affect or invalidate any deed, mortgage, lease or other conveyance for said land, or any part thereof, executed heretofore by said parties of the second part in said deed named, nor any judgment, or other lien or incumbrance thereon, suffered or created by the said party of the second part in said deed. Not to affect other deeds, &c.

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

Approved February 9, 1861.

CHAPTER XV.

A supplement to an act entitled, "An act to incorporate the Mount Pleasant Cemetery Company, of Newark."

Preamble.

WHEREAS, by the said act it was enacted that the premises, burial lots, vaults, monuments, and other erections and fixtures of said cemetery should not be subject to any assessments, taxes or fines unless otherwise ordered by the board of chosen freeholders of the county of Essex; and whereas, the said cemetery company are endeavoring to create a fund from the surplus proceeds of the sale of the lots of said cemetery, to provide means to preserve and maintain its enclosures and buildings and to pay the expenses of a proper care of the same; and whereas, doubts have arisen whether by said act such surplus proceeds are exempt from taxes and assessments—therefore, to remove such doubts,

Property exempt from taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the property, assets and effects of the said cemetery company, which have accrued or may accrue, or be derived from the sale of lots in said cemetery, are hereby exempted from all taxes and assessments, and that the said surplus proceeds shall be held and used for the purposes above mentioned.

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

Approved February 9, 1861.

CHAPTER XVI.

AN ACT to defray the expenses of building an additional wing to the State Prison.

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 to pay unto Silas H. Kitchell, William V. Ward, William P. McMichael, Jonathan Pickel, Joseph Cunningham, commissioners appointed by an act of the legislature entitled, "An act making an appropriation to enlarge the State Prison," approved March twenty-second, eighteen hundred and sixty, or to the order of a majority of them, upon their exhibiting to him the proper vouchers therefor, the sum of two thousand two hundred and forty-three dollars and one cent, being the amount of necessary and actual expenses incurred by them in the completion of the additional wing mentioned. Treasurer to
pay deficiency

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

Approved February 16, 1861.

CHAPTER XVII.

AN ACT to enable the Trustees of Communipaw School District, Number Eight, in the township of Bergen, Hudson county, to borrow money.

Trustees may
issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, to enable the trustees of Communipaw School District, Number Eight, in the township of Bergen, in the county of Hudson, to erect and furnish a suitable building or buildings for school purposes in said district, and to pay for lands purchased or to be purchased for a site for the same, the said trustees or a majority of them be and they are hereby authorized and empowered to issue bonds in their corporate name and under their common seal, for such sum in the whole as shall be determined and ordered by the concurrent vote of two-thirds of a meeting of the taxable inhabitants of said district, to be called by said trustees at some convenient place therein, by notices signed by at least a majority of said trustees, setting forth the time, place and object of such meeting, and set up in at least three public places in said district, ten days before the day of meeting; *provided*, the whole amount of said bonds, issued by virtue of this act, shall in no case exceed the sum of ten thousand dollars.

Proviso.

Denomination
and rate of in-
terest.

2. *And be it enacted*, That said bonds shall be of a denomination of not more than five hundred dollars each, and shall bear interest not exceeding the rate of seven per centum per annum, which interest may be made payable half yearly; and said bonds may be disposed of by said trustees either at public or private sale, but at a price not less than their par value.

How principal
sum shall be
paid.

3. *And be it enacted*, That one thousand dollars of the principal of said bonds shall be payable and paid in each successive year after the issue of the same until the whole of

said bonds shall have been redeemed and paid; and in order to provide for the said yearly payment of one thousand dollars, and of all interest accruing upon said bonds, it shall be the duty of the trustees of the said district, on or before the first day of May next ensuing the passage of this act, and on or before the first day of May in each year thereafter, so long as any of said bonds remain outstanding, to determine the amount of money required for the ensuing twelve months for the payment of the yearly installment of one thousand dollars of principal, and of the interest to become due within the same period, and to notify in writing the assessor of the township of Bergen of such amount required to be raised for the purposes of this act within said district for that year; and it shall thereupon be the duty of said assessor to assess such amount on the estates 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; which said money shall be assessed, levied and collected at the time and in the same manner as other township moneys are or may be assessed, levied and collected; and it shall be the duty of the collector or collectors of the said township of Bergen, to pay over all moneys by him or them received, which shall have been assessed by virtue of this act, to the trustees of the said school district, who shall appropriate the same to the uses for which the same were levied and assessed as herein above stated; and the taxable property of the said school district, and of the inhabitants thereof, shall be and remain liable to assessment from time to time, as herein provided, until the whole of said bonds shall have been redeemed and paid.

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

Approved February 16, 1861.

CHAPTER XVIII.

A further supplement to the act entitled, "An act to enable the owners of the swamps and bog meadows lying on the east and west branches of the Paulings Kill, in the township of Newton, in the county of Sussex, to drain the same," passed March first, eighteen hundred and thirty-six.

Duty of the managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the managers of the said Paulings Kill Meadow Company, and they are hereby invested with full power and authority to clear out and remove all obstructions from the east and west branches of said Paulings Kill, in the manner and to the extent directed in the ninth section of the act to which this is a supplement, and also to form a new channel therein where necessary, whenever in their judgment the interests of said owners and possessors shall require or would be promoted by such clearing out or removal, or by forming a new channel therein, although the said managers may not have completed the clearing out of said Paulings Kill and the removal of all obstructions in the same below the junction of the said east and west branches.

Map and assessments.

2. *And be it enacted*, That the map or drawing of said swamps and bog meadow lands, by the second section of the act to which this is a supplement directed to be made by the managers, and a copy thereof deposited in the clerk's office of said county of Sussex, shall be the evidence to the said managers, and to the commissioners who may make any assessments under said act and the several supplements thereto, of the persons who are the owners and possessors of said swamps and bog meadow lands, notwithstanding any sale or conveyance by any of the said owners or possessors of their said lands or any part thereof; and all assessments made or

to be made by virtue of the said act and supplements, shall be made to and against the several owners and possessors designated as such on the said map; and all the remedies provided by the said act and supplements for the enforcement and collection of said assessments, shall be had and taken in the names of and against the persons respectively designated on such map as owners and possessors, and said lands and the produce thereof shall remain liable for all such assessments upon such proceedings, without regard to any sale or conveyance by them or either of them of the said lands or any part thereof; *provided however*, that if any person having Proviso. purchased any part of said meadow land since said map was made, shall give notice in writing to said managers, setting forth that he or she has become the owner of some part of said land, and showing from whom he or she has purchased the same, and what quantity of land, and its location, so as to identify the same, then, and in every such case, the person serving such notice shall thereafter be deemed and treated by said managers, and by the commissioners, as the owner of the land described in such notice, in the same manner as if he or she had been so designated on said map.

3. *And be it enacted*, That it shall not be necessary to enter upon the said map any other assessment or determination than the one already made under said act and supplements, but a copy of every such future assessment shall be filed in the clerk's office of said county within ten days after making the same, and a reference to such assessments, and to the time of filing the same, shall be entered at the time of filing the same on the copy of said map, deposited in said clerk's office. Future assessment.

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

Approved February 16, 1861.

CHAPTER XIX.

AN ACT to incorporate the Baptist City Mission.

Corporators,
and duties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry C. Fish, Daniel M. Wilson, Edgar M. Levy, Joseph O. Nichols, Robert Atkinson, Ebenezer Tingley, David T. Morrill, Joseph Morris, Charles W. Clarke, Daniel C. Whitman and Conrad Bordenbender, and their successors, being members of the Baptist Church, be and they are hereby constituted a body corporate by the name of the Baptist City Mission, and by that name shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act entitled "An act concerning Corporations," approved February fourteenth, eighteen hundred and forty-six, and shall be capable of holding, taking and receiving by purchase, gift, grant, devise, bequest or otherwise, and of conveying, mortgaging and granting all such property and estate, real, personal and mixed, which may be necessary or proper for the purposes and objects of the corporation; *provided*, that the yearly value of the property which said corporation shall at any one time hold or own shall not exceed fifty thousand dollars.

Proviso.

Objects of incorporation.

2. *And be it enacted*, That the objects of said corporation shall be the furtherance and promotion of the interests of the Baptist denomination of Christians in the city of Newark in this state, and its immediate vicinity.

Trustees.

3. *And be it enacted*, That the management of the affairs and concerns of said corporation shall be and is vested in eleven or more trustees, as the by-laws may direct, who shall be citizens of the said city of Newark or its vicinity, and members of the said denomination of Christians, (the persons named in the first section of this act, to be the first trustees,)

a majority of whom shall constitute a quorum for the transaction of business; they shall be annually elected, and shall hold their first meeting at the call of said first trustees, and shall appoint a president, secretary, and such other officer and officers as they may deem necessary.

4. *And be it enacted*, That the trustees may provide by-^{By-laws.} laws to determine the number of said trustees to be annually elected; to provide for the election or appointment, for their holding over in case the regular annual election should not take place, and provide for filling vacancies, &c.

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

Approved February 16, 1861.

CHAPTER XX.

AN ACT to incorporate the City of Hudson Fire Department Fund, for the benefit of all indigent and infirm firemen of the city of Hudson, and also their widows and orphans.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey*, That Anthony Conk, Alfred Heritag, Nathaniel Boyd, Isaac E. Bogert, Benjamin L. Halleck, Theodore E. Beach, Garrett Newkirk, John J. Ruete, John M. Wilson, Peter F. Wortendyke, Henry M. Rogers and Charles Cummings, be and they are hereby constituted and made a body politic and corporate, in fact, name and law, by the name of "The Trustees of the city of Hudson

Fire Department Fund," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, into all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, and receive and enjoy, any lands, tenements or hereditaments, in fee simple or otherwise, and any moneys, 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, assign, sell, or otherwise dispose of, for the purposes of the said corporation; *provided always*, that the principal sum of such estate shall at no time exceed in value the sum of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

Proviso.

Objects of corporation.

2. *And be it enacted*, That the object of such incorporation shall be to assist all such disabled and indigent firemen, their widows and orphans, as may in the opinion of the board of trustees require assistance, in conformity with the following provisions: all firemen being indigent and infirm, and all firemen who have been disabled and shall become indigent and infirm, and all firemen having served the time prescribed by law as such, and shall resign thereafter, and having become indigent and infirm, and the widows and orphans of all such indigent and infirm firemen, shall be entitled to relief from the said corporation.

Duty of trustees.

3. *And be it enacted*, That the board of trustees shall consist of two persons from each engine, hose and hook and ladder company of the city of Hudson, together with the chief engineer of the fire department of the city of Hudson, two-thirds of whom shall constitute a board for the transaction of business; and the said board shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem needful for the purposes of the said corporation; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act or the laws of this state.

Proviso.

4. *And be it enacted*, That the trustees from each company shall be elected by the members of such company; and at the first election after the passage of this act, each company shall elect two trustees, whom the board of trustees, at their first meeting after any such election, shall divide by lot into two equal classes, one of which shall go out of office at the expiration of one year, another at the expiration of two years, and that at every election thereafter the said companies shall respectively elect one person as trustee, who shall hold such office for two years; and in case of death, resignation, or disability of any trustee, a person shall be duly elected to fill the unexpired term by the company he represented in said board.

Election of trustees.

5. *And be it enacted*, That the board of trustees, at their first meeting in each year, shall from among their number choose by ballot a president, vice president, secretary, and treasurer, and in case of any vacancy in any of said offices, the said board of trustees shall have power to fill the same for the remainder of the current year.

President and other officers.

6. *And be it enacted*, That the mayor and common council of the city of Hudson shall deliver to the chief engineer of the fire department of said city all certificates of membership granted by them, and the chief engineer shall countersign each certificate, upon the receipt of one dollar from the person entitled to the same, and no person shall be considered a member of the fire department of the city of Hudson until his certificate is countersigned as above; and in case of any member being transferred from one company to another, he shall pay the chief engineer the sum of fifty cents; *provided*, such transfer takes place within sixty days after leaving such company.

Certificate of membership.

7. *And be it enacted*, That all moneys at any time received by the treasurer shall be held by him, subject to be drawn upon by an order of the trustees, until the same shall amount to two hundred dollars, when one hundred dollars shall be invested by the board of trustees, as part of the per-

Funds of the corporation.

manent fund, in such manner as in their judgment may be most beneficial to the interests of the corporation.

Permanent
fund.

8. *And be it enacted*, That the principal of the permanent fund shall not be used or impaired in granting the assistance contemplated by this act.

Treasurer to
give security.

9. *And be it enacted*, That the treasurer shall give good freehold security, approved by the board of trustees, in double the value of the money and securities belonging to the fund, before entering upon the duties of this office.

Tax.

10. *And be it enacted*, That the property and effects of the said corporation held or used for the purposes designed by this act, shall not be subject to the imposition of any tax.

Repealed.

11. *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.

Limitation.

12. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the senate and general assembly may at any time hereafter amend, repeal, or modify this act, as they shall think proper.

Proviso.

Approved February 16, 1861.

CHAPTER XXI.

A further supplement to the act entitled "An act to incorporate the Newark and Clinton Plank Road Company."

Relating to the
track of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said

company to make one or more of the tracks of their road of stone, gravel or other hard substance, in place of plank, as required by their act of incorporation; *provided*, the same is Proviso. so constructed as to make a good and firm road.

2. *And be it enacted*, That five or more of the directors Quorum. of said company shall hereafter constitute a quorum for the transaction of business.

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

Approved February 16, 1861.

CHAPTER XXII.

AN ACT to incorporate the New Jersey Universalist Convention.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the New Jersey Universalist Convention, of the Universalist church, are hereby authorized and empowered, when in annual convention assembled, to elect from their own body, or otherwise, by a plurality of votes, a board of seven trustees, which said trustees and their successors are hereby constituted a body politic and corporate, by the name of "the Trustees of the New Jersey Universalist Convention," and by that name they shall have perpetual succession. Authorized to elect trustees.

2. *And be it enacted*, That the corporation aforesaid shall have power to establish and maintain institutions for the promotion of learning; also, to establish, take charge of, and Powers of corporation.

maintain churches, religious and missionary societies, for the diffusion of the knowledge of christianity; and to issue tracts, periodicals, books and other publications, which the board of trustees may deem expedient for educational, missionary or religious purposes; and to purchase, take, hold, receive and enjoy in fee simple, or otherwise, any lands, tenements or hereditaments, by gift, alienation or devise of any person or persons able to grant or devise the same, and to sell, lease, or mortgage such lands, tenements or hereditaments; and also, goods, chattels, legacies, and donations, granted and given to the said corporation of what kind or quality soever, to the value of one hundred thousand dollars; and the said corporation shall possess all the powers and privileges, and be subject to such restrictions, limitations and conditions as are specified in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except as otherwise provided in and by this act.

First trustees.

3. *And be it enacted*, That A. St. John Chambre, Henry R. Walworth, Thomas J. Pullen, Samuel W. Bond, James E. Van Houten, David Tappan, and Simeon Bedford, are hereby appointed trustees of the said corporation for the current year and to act until their successors are chosen; if from any cause an election for trustees shall not take place at the annual session of the said convention, it shall not therefore work a forfeiture of this charter, but the former trustees shall continue in office until their successors are elected; such elections shall take place at such times and places as the said convention shall by a majority of votes given prescribe; and any vacancy happening in the board shall be filled for the unexpired term by the said board, a majority of whom shall constitute a quorum.

Approved February 25, 1861.

CHAPTER XXIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at the annual township meetings in the township of Washington, in the county, of Burlington, are hereby empowered to elect at such meetings five judicious freeholders, residents within said township, who shall be denominated the township committee, a majority of whom shall be a quorum to transact business. Election of township committee.

2. *And be it enacted*, That it shall and may be lawful for said township to elect but one overseer of the highways annually. Election of overseer of highways.

3. *And be it enacted*, That in addition to powers conferred heretofore upon the committee of said township, they shall have power to consult with the overseer of highways relating to the construction and repairs of roads, and to determine when and where such construction and repairs shall be made. Township committee to determine on construction and repairs of roads.

4. *And be it enacted*, That so much of the twelfth section of the act to which this is a supplement, and the second section of the supplement thereto, approved March fifth, eighteen hundred and fifty-two, and all other acts and parts of acts and supplements within the provisions of this act, be and the same are hereby repealed. Former acts repealed.

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

Approved February 25, 1861.

CHAPTER XXIV.

A further supplement to an act entitled "An act to reorganize the courts of law," approved February ninth, eighteen hundred and fifty-five.

Hudson courts. 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, the regular terms of the courts in and for the county of Hudson shall commence on the first Tuesday in May and October, and on the third Tuesday in January, in each and every year.

Bergen courts. 2. *And be it enacted*, That the regular terms of the courts in and for the county of Bergen, shall commence on the first Tuesday in April and December, and on the last Tuesday in August, in each and every year.

Part of former act repealed. 3. *And be it enacted*, That so much of the sixth section of the act to which this is a supplement as is inconsistent with this act, be and the same is hereby repealed.

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

Approved February 25, 1861.

CHAPTER XXV.

AN ACT to ratify and confirm the incorporation of "the Rector, Wardens and Vestrymen of St. Paul's Church, Camden."

WHEREAS, doubts have arisen as to the regularity of the in- Preamble.
corporation of the congregation of said church, incorporated by certificate filed in the clerk's office of the county of Gloucester, on or about the thirtieth day of April, A. D. eighteen hundred and thirty, and as to the right of said corporation to hold and administer certain trust funds given to it for charitable purposes, to remove which,

1. BE IT ENACTED *by the Senate and General Assembly of* Corporate name.
the State of New Jersey, That the rector, (or other minister,) wardens and vestrymen of St. Paul's Church, Camden, in this state, and when no minister, the wardens and vestrymen of said church, and their successors, from the time of filing said certificate and forever, hereafter, shall be deemed and considered, and they are hereby declared to be a body politic and corporate, in law and in fact, by the name of "the Rector, Wardens and Vestrymen of St. Paul's Church, Camden," and by that name shall have perpetual succession, with the same powers, rights and privileges, and subject to the same restrictions and limitations, as are contained in the "Act to incorporate religious societies," except as otherwise provided by this act.

2. *And be it enacted,* That the said corporation by the Corporation may hold real estate.
name and title aforesaid, shall be capable, in law and equity, to purchase, have, receive, hold and enjoy, in fee simple, or any less estate or estates, any lands, tenements and hereditaments, corporeal or incorporeal, for the maintainance of said church and the services thereof; and to take, receive and hold any lands, tenements, hereditaments, moneys, securities and other real or personal estate, in trust for any charitable

Proviso. or religious purpose or purposes; *provided always*, that the yearly income of such trust property shall not exceed the yearly sum of five thousand dollars.

Election of wardens and vestrymen. 3. *And be it enacted*, That the congregation of said church shall, annually, on Easter Monday of each year, choose two

Proviso. wardens and not more than fifteen nor less than five vestrymen, who shall hold said offices for one year, and until others are chosen in their places; *provided*, that if no election be held on that day, it may be held on any subsequent day, at a meeting of said congregation duly called for that purpose.

Rules, by-laws and ordinances. 4. *And be it enacted*, That the rector, wardens and vestrymen, and if no rector, the wardens and vestrymen, and their

successors, may make such rules, by-laws and ordinances, and do everything that may be needful and requisite for the good government and support of the church, their proceedings to be entered in a book provided and kept for that purpose; *provided*, that the same be not repugnant to the constitution and canons of the Protestant Episcopal Church in this state, or to the constitution and laws of this state or of the United States.

Proviso

Quorum. 5. *And be it enacted*, That five shall be a quorum of said vestry, at all times when duly convened, authorized to transact the business of the church, except in respect to the calling of a rector or minister, or the purchase, alienation or disposal of any trust funds, or of any lands or tenements of said church, in which case a majority of the whole number of the wardens and vestrymen shall be necessary to concur therein.

Approved February 25, 1861.

CHAPTER XXVI.

AN ACT to authorize the inhabitants of Irvington, in the township of Clinton, in the county of Essex, to improve and regulate their roads, streets, crossings and sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Clinton, in the county of Essex, within the following boundaries, viz: beginning at the south-west corner of the Clinton Cemetery, thence westerly, along the line of the said cemetery and land of H. W. Risley, to Stuyvesant Avenues; thence, northwardly to and including J. L. Chapman's; thence, north-easterly, in the range of the road by I. O. Baldwin's, to the brook by C. B. Headley's; thence, down said brook, to the stone bridge on Wall street; thence, in a straight line, to the junction of the Springfield turnpike road with the east side of Montgomery Avenue; thence, along the easterly line of said avenue to the lands of D. Westervelt, and thence, along the north and east line of his land, to the plank road, and continuing the same course to Lyon's Avenue; thence, in a straight course, to the place of beginning, to improve and regulate the roads, streets, street crossings and sidewalks within the said limits as hereinafter provided.

2. *And be it enacted*, That the roads and streets, including the turnpike and plank road, and all public highways hereafter to be laid out or dedicated to public use within the boundaries aforesaid, are hereby erected into one road district and subject to the provisions of this act.

3. *And be it enacted*, That a meeting of the inhabitants qualified by law to vote at town meetings, shall be held annually on the first Saturday after town meeting, at the Irvington House, at four, P. M., or at such place as the

town meeting shall elect, for an overseer and superintendent of roads and streets for said district, and for three commissioners, being judicious freeholders, residents therein, to serve for one year, and until their successors are elected, and in case any vacancy shall occur it shall be filled by a majority of the commissioners, unless they shall deem a public meeting for that purpose advisable, when they shall give ten day's notice, by posting in five public places in said district; the said annual meeting shall determine by vote the amount of money to be raised in addition to the road tax to be expended under the direction of the commissioners, for the improvements authorized by this act, which sum shall not be less than one hundred dollars or more than two hundred dollars in any one year; and the sum so determined, shall be certified to by the officers of the meeting, and the said certificate delivered to the township assessor, who is hereby authorized to assess the same in the manner provided for assessing the road tax; and the collector is also authorized to collect and pay over the same to the order of the commissioners.

Organization
of board of
commission-
ers.

4. *And be it enacted*, That it shall be the duty of the commissioners to meet within one week after their appointment and organize themselves into a board to be known as "the Board of Commissioners;" the board, when organized, shall enter at once upon their duties, which are as follows: to consider and determine what streets, street crossings and sidewalks need improvements first, what the improvements shall be, the time and manner of making them, to direct the superintendent to make or have them made, and subsequently to meet from time to time to consider and determine further improvements, or have those already made, kept in order, in accordance with the provisions and limitations of this act; it shall also be the duty of the board of commissioners to determine the grade of the sidewalks and streets, to direct the superintendent to do such grading or have it done, and to pay the expenses of the same out of the annual assessment, or any other funds in the hands of the commissioners; the board of commissioners shall keep a book of minutes, present

a report at the annual meeting, and deliver up their books, accounts, moneys on hand, and all papers belonging to the corporation, to their successors at their first meeting after their election.

5. *And be it enacted*, That it shall be the duty of the superintendent to meet with the commissioners, receive their orders, make or have made such improvements as they shall direct, in conformity with the provisions of this act to report on the state of such improvements at each meeting of the commissioners, and annually render an account to them, and shall receive for his services the same rate of compensation as overseers of the highways are entitled to by law.

6. *And be it enacted*, That it shall be incumbent on each land-holder, at his or her own expense, to cover the sidewalk or walks in front of his or her own land, according to the width established by the board of commissioners, under the supervision of the superintendent and in the manner herein-after specified, viz: in the centre of the village, within limits to be designated by the said board of commissioners, with flags, bricks or plank, of a width approved by the commissioners, and in other parts of said district, with small stone, gravel or sand, smoothly done, which covering shall not be subsequently changed for any other unless at the request of two-thirds of the land holders on such side walks; and in case any land owner shall neglect or refuse to cover the sidewalks adjoining his lands, as directed by the board of commissioners and under the supervision of the superintendent, within three months after a notice to do the same, the superintendent shall proceed in each and every case of such refusal or neglect, to do or have the same done; and after the expenses thereof shall have been certified by the commissioners, he shall have power to recover the same in an action of debt, in his own name, against such land owner in any court having cognizance thereof; and the declaration or demand in such action may be general, stating that the demand is for money paid, laid out and expended in improving the sidewalks in front of the defendant's land by virtue of this act, with an account

Duty of superintendent.

Manner of regulating sidewalks.

annexed stating the materials used and the labor done ; and in case the party against whom such suit may be brought, resides out of the state of New Jersey, or cannot be found in the county of Essex, to be served with summons, such summons may be served by fixing a copy thereof upon the premises in front of which the work shall have been done, at least ten days before its return.

Former acts
repealed.

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 February 25, 1861.

CHAPTER XXVII.

Supplement to an act entitled "An act relative to the sale and disposition of the real estates of infants," approved March nineteenth, eighteen hundred and forty-five.

Chancellor
may direct
payment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the real estate of any infant or infants, or any part of it, heretofore sold, or that hereafter may be sold, under the provisions of the act to which this is a supplement, be, or shall have been at the time of such sale, subject to an estate by the curtesy, and the person entitled thereto shall consent in writing to receive a gross sum, to be approved by the court, in lieu of such estate

by the curtesy, the chancellor may, after such consent in writing has been filed in the clerk's office, direct the payment of such sum in gross as he shall deem reasonable and shall be acceptable to the person entitled to such estate by the curtesy, in manner aforesaid, which sum, so paid, shall be taken out of the proceeds of the sale of the real estate of such infant or infants, so subject to said estate by the curtesy; *provided however*, before any such sum shall be paid, the Proviso. chancellor shall be satisfied that an effectual release of such estate by the curtesy has been executed and delivered.

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

Approved February 25, 1861.

CHAPTER XXVIII.

AN ACT to authorize the raising of money by taxation for the support of the public schools in the city of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Salem shall be authorized and required to raise, annually, by taxation, in addition to the sum now authorized by law to be raised, the further sum of five hundred dollars for the use of the public schools of said city of Salem. Council authorized to raise money by tax.

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

Approved February 25, 1861.

CHAPTER XXIX.

AN ACT to incorporate the Gloucester and Philadelphia Ferry Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles H. Stewart, George Bockius, John Morgan, Edward Baily, John F. Bodine, Alexander H. Hamell, Jeremiah H. Banks, Edmund Hoffman, John Hood, Joseph R. Hamell, Samuel Tomlinson, Edward S. Ireland, Clayton B. Tice, 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 and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Gloucester and Philadelphia Ferry Company."

Capital stock. 2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, with the privilege of extending it to any sum not exceeding one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such installment or installments, and upon such notice, as the said company may by their by-laws or otherwise direct or appoint; and in case of a failure by any stockholder to pay his or her installment or installments at the time and place mentioned and appointed for the payment thereof, or within ten days thereafter, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of said company.

Stock transferable. 3. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; that every share of stock shall be entitled

to one vote by the holder or holders thereof, which may be given in person or by proxy.

4. *And be it enacted*, That the affairs of said corporation First directors. shall be managed by thirteen directors, and Charles H. Stewart, George Bockius, John Morgan, Edward Baily, John F. Bodine, Alexander H. Hamell, Jeremiah H. Banks, Edmund Hoffman, John Hood, Joseph R. Hamell, Samuel Tomlinson, Edward S. Ireland, and Clayton B. Tice, are hereby appointed the first directors, who shall serve until the first Monday in July next, and until others are elected or chosen in their stead; and the said directors, or a majority of them, shall assemble as soon as convenient after the passing of this act, and appoint one of their number to be president of the said corporation, who shall serve until the first Monday in July next, or until a successor be appointed; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, or a majority of them, convened at the next succeeding meeting, shall have power to appoint and fill such vacancy or vacancies until the next annual election.

5. *And be it enacted*, That there shall be an annual election of directors held at some place in the county of Camden on the first Monday of July next, and that all subsequent annual elections of directors shall be held at such time and place as the board of directors shall appoint and fix, of which time and place notice shall be given by publishing the same in one or more newspapers printed in the county of Camden, at least four weeks successively previous to the day of such election; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in July next, or at the time appointed for holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being may or shall appoint; and the directors for the time being shall continue in office until others shall be elected Election of directors.

in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, who shall serve until the next annual election of directors, and until another shall be appointed in his stead; the said president shall preside at all meetings of the board, except in case of his absence, when any other of the directors present may be chosen president pro tempore; all stated meetings of the board shall be held at such times and places as the by-laws may ordain; but special meetings may be held by appointment of the board or upon call of the president.

Powers and
privileges.

6. *And be it enacted*, That the board of directors shall have power to erect a steamboat ferry from some point in the town of Gloucester, in the township of Union, in the county of Camden, to such place or places in the city of Philadelphia as may best serve the public convenience and interest of said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings, and all other necessary appendages, and may build steamboats, vessels and ferry boats, of such description and dimensions as the said board shall order and direct.

Rates of ferri-
age.

7. *And be it enacted*, That it shall not be lawful for the said corporation to charge more than the following rates of ferriage or toll, under the penalty of fifty dollars for each offence, to be sued for in any court of competent jurisdiction, by the party aggrieved, to wit:

For each passenger, ten cents;

For marketing a barrel, to be rated equal to two bushel baskets, eight cents;

For tubs, chests, and scow baskets, to be rated according to the number of bushels they hold, for each bushel, four cents;

All articles containing marketing to return free, if empty, otherwise to pay the usual rates;

A barrel of salt, plaster, flour, sugar, liquor, &c., eight cents;

A hogshead of liquor, sugar, molasses, lime, soda, madder, &c., fifty cents;

Stoves of cast iron, six or more plates, box of dry goods, &c.,	twelve cents ;
Salt, plaster, grain, clover and other seeds per bushel,	four cents
Flour, beef, pork, iron, &c., per hundred weight,	six cents ;
Windsor chairs per dozen, clock case, bureau, bedstead, &c.,	twelve cents ;
Lumber, per hundred feet,	twelve cents ;
Live calves and fat hogs, per head,	six cents ;
Sheep and store hogs, per head,	four cents ;
Fat cattle, per head,	twenty-five cents ;
Cow and calf,	twenty cents ;
Store cattle, horses, mules, &c.,	eighteen cents ;
Desks, secretaries, &c.,	fifteen cents ;
Tables, stands, feather beds, mattresses, large chests of tea, coffee per bag, soap, candles, glass, &c., per box,	five cents ;
Crate of earthenware, &c.,	fifty cents ;

CARRIAGES AND DRIVERS.

Every four-wheel carriage, drawn by four horses,	sixty cents ;
Every four-wheel carriage, loaded, drawn by two horses,	forty cents ;
Every four-wheel carriage, light, drawn by two horses,	thirty-five cents ;
Every four-wheel carriage, drawn by one horse,	twenty-eight cents ;
Every two-wheel carriage, drawn by two horses,	thirty-five cents ;
Every two-wheel carriage, drawn by one horse,	twenty-five cents ;
For carrying hay, straw, and other bulky articles, two horse load,	seventy-five cents ;
For carrying one horse load hay, straw, and other bulky articles,	fifty cents ;
Each additional horse or mule,	fifteen cents ;
All passengers in carriages, except the driver, to pay the same as other passengers.	

Dividends, &c.

8. *And be it enacted*, That the said company shall have power to charge proportionable rates of ferriage or toll upon all articles not above enumerated; and that dividends of so much of the profits of the company shall be made and paid to the stockholders, at such stated periods as the board of directors shall determine; and at each annual meeting of the stockholders for the purpose of election, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, and shall produce the books, accounts and papers of the company, if required to do so by any person or persons being stockholders.

Penalty for
injuring works

9. *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, or any aldermen of the county of Camden, 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.

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

Approved February 25, 1861.

CHAPTER XXX.

AN ACT to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the Secretary of senate and clerk of assembly, retary of the senate an annual salary of one thousand three hundred dollars, and to the clerk of the house of assembly an annual salary of one thousand five hundred dollars, and no other compensation whatever.

2. *And be it enacted*, That there shall be paid to an Assistant secretary of the senate and to an assistant clerk of the house of assembly, an annual salary of four hundred dollars each, and no other compensation whatever.

3. *And be it enacted*, That there shall be paid to the Engrossing clerk of the senate six hundred dollars, and the Engrossing clerk of the house of assembly seven hundred dollars, and no other compensation whatever.

4. *And be it enacted*, That there shall be paid to the Sergeant-at-arms of the senate and to the doorkeeper of the house of assembly the sum of two hundred and fifty dollars each, and no other compensation whatever.

5. *And be it enacted*, That there shall be paid to each of Assistant sergeant-at-arms and doorkeeper, the assistants of the sergeant-at-arms of the senate and of the doorkeeper of the house of assembly an annual salary of one hundred dollars each, and no other compensation whatever.

6. *And be it enacted*, That hereafter it shall not be necessary for the secretary of the senate or the clerk of the assembly to prepare enrolled copies of the proceedings of their respective houses; and that so much of all acts or parts of acts as are inconsistent with this act, be and the same is hereby repealed.

Approved February 25, 1861.

CHAPTER XXXI.

A further supplement to an act to incorporate Egg Harbor City.

Part of former act repealed

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 that an election by ballot shall be held on the second Monday in June, is hereby repealed, and the election by ballot, named in said fourth section, shall be held on the second Monday in March, in each year.

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

Approved February 25, 1861.

CHAPTER XXXII.

AN ACT to incorporate the Peoples' Fire Insurance Company of Trenton.

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 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 "Peoples' Fire Insurance Company," to be lo-

cated at the city of Trenton, in the county of Mercer, and state of New Jersey.

2. *And be it enacted*, That the capital stock of said com-^{Amount of capital stock.}pany shall not exceed two hundred 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 of the capital stock at the time of subscribing, an installment of ten per centum on the capital stock by him subscribed for, the remainder to be paid in such installments, at such time and upon such notice as the board of directors of said corporation may determine; and the said company shall not commence the business of insurance, hereby authorized, until fifty thousand dollars of the capital herein authorized is actually paid into the treasury thereof.

3. *And be it enacted*, That the stock, property and affairs^{Management of corporation.} of said corporation shall be managed and conducted by fifteen directors, a majority of whom shall be citizens of this state, who shall divide themselves into three classes, the term of the first class shall expire on the second Tuesday of April next succeeding the election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the second Tuesday of April of the following years, or as soon thereafter as others are elected in their stead.

4. *And be it enacted*, That the annual election for direct-^{Annual election of directors.}ors shall be held on the second Tuesday of 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 one or more newspapers printed in the city of Trenton, at least two weeks previous to the time of holding the election, such election to be held in such manner as may be prescribed by the laws of said company; and if any of the directors shall die or refuse to serve, or neglect to act in their said office for the space of three months successively, then and in every such case the remaining directors shall have 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.

Commission-
ers to receive
subscriptions.

5. *And be it enacted*, That Samuel S. Stryker, Imlah Moore, James T. Sherman, Alfred S. Livingston, Charles Scott, William R. McIlvaine, Joseph Whitaker, William W. Norcross, Barker Gummere, Frederick R. Wilkinson and John R. Tucker, shall be commissioners to receive subscriptions to the capital stock of said company; and when the said stock shall be subscribed for and paid in, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by an advertisement published at least ten days previously in some newspaper published and circulated in the city of Trenton, stating the time and place at which such meeting of the stockholders shall be held; and they shall, by ballot, elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election, and should there be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancy or vacancies so occasioned.

Powers of
company.

6. *And be it enacted*, That the said company shall have power: First, to make insurance upon dwelling houses, stores, and all kind 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 re-insured when deemed expedient.

Policies to be
signed and at-
tested.

7. *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.

8. *And be it enacted*, That it shall and may be lawful for the said company to purchase, hold and convey any estate, ^{Corporation may purchase and hold real estate.} *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 to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide; but no money shall be loaned on real estate, unless the same be situated in this state. ^{Proviso.}

9. *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. ^{Assignment of policies.}

10. *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 said corporation notified thereof; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such case a reasonable time shall be allowed them. ^{Actions may be maintained for losses.} ^{Proviso.}

11. *And be it enacted*, That this act shall continue in force thirty years, but it shall and may be lawful for the legislature at any time to alter and repeal the same. ^{Limitation.}

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

Approved February 25, 1861.

CHAPTER XXXIII.

An additional supplement to an act to incorporate Egg Harbor City.

Preamble.

WHEREAS, an error has occurred in the description of boundaries of Egg Harbor City, contained in the act to incorporate Egg Harbor City;

First section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said first section be altered and amended, from the end of the fourth line of section first, so that it may read, "commencing at the mouth of Pine Creek, on the Little Egg Harbor River, and running along the Little Egg Harbor Association to an avenue named Hamburg Avenue, then along the southeast side of said Hamburg avenue, to the Camden and Atlantic Railroad."

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

Approved February 25, 1861.

CHAPTER XXXIV.

AN ACT to regulate the length of nets and seines to be used in Middle township, Cape May county.

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 whatsoever, to set or draw any net or seine which shall exceed twenty-five fathoms in length, in any of the rivers, bays, creeks or waters of the Middle township, in the county of Cape May, within the jurisdiction of the said county. ^{Length of net or seine.}

2. *And be it enacted*, That every person offending against the provisions of this act, shall forfeit and pay the sum of fifty dollars for each offence, to be recovered in any court of competent jurisdiction, to the use of any person who may sue for the same. ^{Penalty for offending.}

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

Approved February 25, 1861.

CHAPTER XXXV.

AN ACT to authorize a subscription on the part of this State to a new edition of Nixon's Digest of the Laws.

One thousand
copies for the
state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Secretary of State be authorized to subscribe for one thousand copies of the second edition of Nixon's Digest of the Laws of New Jersey, as proposed to be published by Elmer and Nixon, provided that the work shall in all respects correspond with the proposals laid before the legislature, and provided he can obtain the same at the rate of five dollars per copy.

Payment.

2. *And be it enacted*, That the sum of five thousand dollars is hereby appropriated to pay for the said copies, when the same shall be delivered complete.

How to be
distributed.

3. *And be it enacted*, That the treasurer deliver to the governor, the secretary of state, the treasurer, the clerks of the supreme court and chancery, the justices of the supreme court, the attorney-general, the clerk, surrogate, and board of chosen freeholders of the several counties, the judges of the courts of common pleas, the clerks of the respective townships, for the use of the townships, and to the members and clerks of the present legislature, each only one copy of the said Digest.

Approved February 26, 1861.

CHAPTER XXXVI.

AN ACT to authorize the sale of the Forum building, and lot of land whereon it stands, at Red Bank, in Monmouth county.

WHEREAS, it appears that heretofore divers persons, by virtue Preamble.

of voluntary subscriptions, caused to be acquired a building and real estate at Red Bank, in the county of Monmouth, in the state of New Jersey, commonly called the Red Bank Forum, and the original contributors respectively held what was termed scrip, as evidence of the respective amounts of their subscriptions aforesaid; and the said property has been heretofore used by the religious denominations of that vicinity, and by the public, but that lately the said property is rarely used for any of the purposes for which it was originally intended, but that all said denominations and the public are now amply accommodated in the use of other buildings at their command in that neighborhood, and that the said property is depreciating in value, that the same is not vested in any regular body corporate, and some of the original managers or trustees of the same have become deceased and refused to act, and that it is also desirable that the said building and the lot of land on which it stands, and the real estate appertaining thereto, should be sold and disposed of, and the proceeds thereof distributed to the bona fide holders of said scrip representing said contributions, and that it is doubtful whether a sufficiently valid deed of conveyance therefor could be made without legislative aid—therefore,

1. BE IT ENACTED by the Senate and General Assembly of Sale of the property.
the State of New Jersey, That it shall and may be lawful for Isaac P. White and Samuel T. Hendrickson, the now reputed acting managers or trustees of said property, or for either one

of them, at any time hereafter, for such sum or sums of money as they, or either one of them, may deem to be a full and fair consideration therefor, to sell at public sale, at Red Bank aforesaid, and convey by deed or deeds of conveyance under their or his hand and seal, to any purchaser or purchasers thereof, the said Red Bank Forum building and lot of land on which it now stands, and the real estate belonging thereto, situate in the village of Red Bank, in said county, with the appurtenances in fee simple absolute, four weeks' notice of the time and place of the sale thereof being first given by the publication each week in the "New Jersey Standard," published at Red Bank aforesaid,

Title to pass.

2. *And be it enacted*, That such sale and conveyances, when made as aforesaid, shall be taken and deemed to vest in the purchaser or purchasers thereof an absolute title in fee simple in and to all said property and real estate so sold and conveyed pursuant to this act.

Distribution of proceeds.

3. *And be it enacted*, That the proceeds of the sale of said property and real estate, after deducting therefrom the expenses thereof, shall be divided among and paid to the bona fide holders of the said scrip representing said original contributions respectively, in proportion to the respective amounts of the scrip such person or persons may bona fide hold.

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

Approved February 26, 1861.

CHAPTER XXXVII.

A supplement to "An act to incorporate Egg Harbor City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessor and collector of Egg Harbor City to keep the amount of tax assessed against each lot or tract of land belonging to any individual, separate and distinct from the other tax which may be assessed against his person or other property, and to make out and return the amount due on each lot or tract of land and premises, and the street or streets, alley or alleys, whereon the said lot, tract, or piece of land and premises is situated, with a short description of the same; and the owner or owners' names; and the taxes and assessments which shall be made upon any such real estate in said city, under the provisions of this act, whether the same be state, county, city or school tax, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage, or other incumbrances 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 for the payment thereof, it shall and may be lawful for the city council to cause the lands, tenements, and real estate, or such part thereof as they may think proper, 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, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, including justices' and constables' fees, cost of advertising, selling, and executing the deeds, and to make and execute, under the seal of the said city, a declaration of such sale, and deliver the same to the purchaser or purchasers;

Land may be sold for non-payment of taxes.

and such purchaser or purchasers, his, her or their executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate, for his, her, or their own use, against the owner or owners thereof, and all persons claiming under him, her, or them, until his, her, or their said term shall be completed and ended; and shall be at liberty, at or before the end of his, her, or their term, to remove the buildings and materials, erected and placed by him, her or them thereon, taking care to leave the same in as good order and condition as the said premises were when they came into his, her, or their possession.

Sale to be advertised, and how land may be redeemed.

2. *And be it enacted*, That the said city council, before they shall proceed to sell any lands, tenements, or real estate for the payment of taxes as aforesaid, shall cause such sale to be advertised at least once a week for eight weeks successively, in at least one public newspaper printed and published in the said city, or in the county in which said city is situated, and also by advertisements put up in at least ten public places in the said city, or in the said county, which advertisements shall mention the street or streets on which the said property is situate, the amount of tax due, and the owner or reputed owner's name; and the said lands, tenements, or real estate, so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money, with the interest at the rate of twelve per cent. per annum, to be computed from the day of sale, and all the expenses and charges necessarily incurred thereon by the purchaser or purchasers as aforesaid; and in case the same shall be redeemed, as hereinbefore provided, by the mortgagee or mortgagees, or if the said mortgagee or mortgagees shall have paid the said tax or assessment, with the interest and cost thereon, to prevent the said premises from being sold to pay the same, then, and in that case, the whole amount of the payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner, in

all respects, as if the same were included in and intended to be secured by the said mortgage; and any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or real estate, in assessing the taxes thereon, shall not invalidate the said assessment, or the sale of said real estate as aforesaid; *pro-Provido.* *vided*, that nothing in this act contained shall be taken or in any way include the lands of John Cove, which lay within the bounds of said corporation.

3. *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. *Repealed.*

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

Approved February 26, 1861.

CHAPTER XXXVIII.

AN ACT incorporating the Cortlandt Van Rensselaer Memorial Institute.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Charles Hodge, Henry A. Boardman, William Chester, William H. Van Rensselaer, Alexander Van Rensselaer, William S. Plumer, Charles Macalister, James N. Dixon, Thomas P. Ogden, John C. Green, William H. Foot, John T. Nixon, J. Leighton Wilson, William C. Cattell, Daniel Lord, William W. Phillips, George Potts, John Hall, Henry ^{Names of corporations.}

W. Green, J. T. Backus, John N. Campbell and their successors, being members of the Presbyterian Church, shall be and they are hereby constituted a body politic and corporate by the name of the "Trustees of the Cortlandt Van Rensselaer Memorial Institute," 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.

Objects of
incorporation.

2. *And be it enacted*, That the said Institute is hereby declared to be for the advancement of education and a memorial of respect for the late Rev. Cortlandt Van Rensselaer, D. D., of Burlington, New Jersey.

Trustees.

3. *And be it enacted*, That the General Assembly of the Presbyterian Church in the United States of America (old school) shall have power, in their discretion, in each and every year to elect one-third of said trustees, by the appointment of others, and also, to fill all vacancies which may occur; but the said trustees shall hold their offices until their successors are appointed, and the corporation shall not be dissolved on failure to elect trustees.

Management
of corporation.

4. *And be it enacted*, That the entire management of the funds of said corporation shall be and are hereby vested in a board of twenty one trustees, one-third of whom, in the order in which they are named in section first, shall go out of office each year; and one-third of the trustees shall constitute the necessary quorum for the transaction of all business matters connected with said institution.

By-laws.

5. *And be it enacted*, That the trustees shall hold their first meeting at the call of the trustee first named, and shall have power from time to time to enact such by-laws not repugnant to the constitution or laws of the United States or of this state, or of the decisions of the General Assembly of the Presbyterian Church, for the regulation and management of all the interests of said institution; and special meetings of

said trustees may be called by the president or any five or more of said trustees, upon ten days' notice in writing of time and place thereof being given or sent by mail to each of said trustees.

6. *And be it enacted*, That for the purpose of carrying out Powers, &c. the object declared in the second section 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*, the annual value shall not *Proviso*. exceed twenty thousand dollars.

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

Approved February 26, 1861.

CHAPTER XXXIX.

AN ACT to incorporate the Robertsville and Pattons' Corner 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 Robertsville and Pattons' Corner Turnpike Company shall be opened by Mathew Roberts, William L. Terhune, William Wolly, Senior, Joseph J. Vanderveer, John T. Roberts, John M. Boice, George Quackenbush, and Benjamin Dey, 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

Commissioners to open books of subscription.

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.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be three thousand dollars, with liberty for the said company to increase the same to ten thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred 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 Robertsville and Pattons' Corner 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 this act into effect.

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 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 such places and to such persons as the president and directors of the company shall from time to time direct and 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 the 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 no subscription for less than four shares of said stock shall be reduced by such apportionment; *provided also*, that the stockholders shall upon request have the right to pay the stock subscribed, except the first installment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations,

Proviso.

Proviso.

Proviso.

at such time and upon such notice by either party as the directors may determine.

4. *And be it enacted*, That if the number of shares here-^{Limitation of time for subscription.} 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 one hundred shares of^{Commissioners to organize corporation.} 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; *pro-*^{Proviso.} *vided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

6. *And be it enacted*, That within twenty days after the^{Election of president.} annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall be a citizen of this state, and resident in the county of Monmouth, who shall hold his office for one year and until

another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of 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 the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who for the time being shall possess the same 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 of them, may supply any vacancy occurring 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 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 transfers 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 to be made.

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.

Meetings of board of directors.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president and directors, or by the stockholders owning one-fourth of the

whole stock of the company, by giving notice of the time and the 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.

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. Election of officers.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road either three or four rods wide, from Robertsville, in the county of Monmouth, to Pattons' Corner, in said county, which said turnpike road shall be constructed on and along the public highway leading from Robertsville to Pattons' Corner; and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid along the highway aforesaid, they shall pay to the respective owners of the lands over which the said highway selected for constructing said turnpike upon now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case said company and any of the said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other Route of road
Proviso.

Proviso.

material from his or her lands, for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owner will sustain thereby; and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only.

Construction of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm and even road at all seasons of the year; 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 the said company shall make good and sufficient bridges along the line of said road, not less than twenty feet in breadth, 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 company and owners cannot agree.

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 enclosures thereof, and to make all ditches and under drains across and through such lands necessary for properly draining said road; and 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 land or materials 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 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 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 the 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 appraisal of the value of the same, and assessment of damages to be paid by the said company for such land or 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 afore-

said, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the 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 payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and cost, 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 justice, commissioners, clerks and other 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 company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed the 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 or a turnpike across the said road not exceeding three in number, and to demand and receive toll for traveling each mile and all fractions over a half a mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled drawn by one beast,	one cent;
For every additional beast,	one cent;
For every horse and rider, or led horse or mule,	five mills;
For every dozen of calves, sheep or hogs,	one cent;
For every dozen of horses, mules or cattle,	four 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 burden or pleasure from	

passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing Proviso. 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 to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or re-passing, when called to duty by the laws of this state or of the United States.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones Milestones to be erected. or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Robertsville; and shall cause to be fixed and always to be kept up 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 printed in large letters, "Keep to the right, as the law directs."

16. *And be it enacted*, That if any person shall wilfully Penalty for injuring works break down, throw down or deface any of the mile stones or posts so erected on the said road, or wilfully tear down and 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 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 out

of the said road to pass a gate or gates, on private grounds thereto, and again enter on said road, with the 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 the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
taking illegal
tolls.

17. *And be it enacted*, That if any toll gatherers 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
obstructing
passage.

18. *And be it enacted*, That all the drivers of carriages, sleighs or sleds of every kind and description, whether of burden or pleasure, or persons on horseback using 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 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 costs of suit.

Road and
bridges to be
kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Monmouth, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the

said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice 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, the said justice shall immediately in writing, under his hand and seal, order the keeper of said gate or turnpike to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of said company, again to view the said road and report as aforesaid their opinion to the said justice, who shall, if authorized by the report of said persons, or any two of them, by license 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 said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

20. *And be it enacted*, That if the said road is not commenced within three, and completed in five years from the passage of this act, that then and in that case this act shall

Time for completion of road.

be void, and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

When to erect
toll gates.

21. *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 traveling thereon agreeably to the foregoing rates.

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

Approved February 27, 1861.

CHAPTER XL.

AN ACT to incorporate the Firemen of the city of Jersey City.

Preamble.

WHEREAS, the firemen of the city of Jersey City have, by their petition to the legislature, prayed to be incorporated, the more effectually to enable them to provide adequate funds for the relief of disabled and indigent firemen, and for the partial support of the widows and orphans of deceased firemen, therefore—

Incorporation.

1. *BE-IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are, or hereafter shall be engineers of the Volunteer Fire Department, or any fireman belonging to any of the fire apparatuses of the Volunteer Fire Department of the city of Jersey City,

shall be and hereby are ordained, constituted and declared to be, and continue until the first Tuesday in April, one thousand eight hundred and eighty-one, a body politic in fact and in name, by the name of the Firemens' Fund Association of the city of Jersey City; and by that name they and their successors for the term aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of the Firemens' Fund Association in the city of Jersey City, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *provided*, that the amount of the real and personal estate of the said corporation shall not at any time exceed the sum of twenty thousand dollars.

Proviso.

2. *And be it enacted*, That the said Volunteer Fire Department shall, on or before the first day of December in every year, choose two representatives for each company, who, together with the chief and assistant engineers, shall have and exercise all such powers as are hereinafter committed to them.

Chief and assistant engineer.

3. *And be it enacted*, That the said representatives shall choose on the second Friday in January in every year, by ballot, out of their own body, a president and vice president, and from their own body, or out of the whole body of exempt or active firemen, a treasurer, secretary and collector; that the first representatives shall be John B. Haight, Charles M. Hankins, Henry C. Hutron, John Eagan, William Hughes, Henry Windecker, J. B. Cleavland, George H. Haight, John McGingam, J. R. Tilley Maynard Sharp, F. P. Budden, Samuel D. Bennett, Henry Steele, Michael Nugent, John H. Lyon, A. M. Conover, W. J. Stephens, H. A. Coursen,

Officers to be elected and their duties.

James M. Clark, and the first chief engineer shall be Samuel A. French, and the first assistant engineers shall be John D. Nolan, Smith Mead, John Beatty and Patrick H. Nugent; that Smith Mead shall be the first president, that Maynard Sharp shall be the first vice president, that Charles M. Hankins shall be the first treasurer, and Frederick P. Budden the first secretary, and Smith Mead the first collector, to hold their respective offices and places until others are appointed in their stead, agreeably to the provisions of this act; that the said representatives shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of the said corporation from time to time made and established by the said representatives; that the treasurer shall give security to the representatives for the faithful performance of his trust, and shall at every annual meeting of the representatives, render them an account of the state of the funds; that a majority of the said representatives shall be a quorum to do business; that in case of a vacancy in the office of representatives, such vacancy shall be filled up by the company from which he is deputed, for the remainder of the year, by a special election to be held for that purpose; and that in case of a vacancy in the office of president, vice president, treasurer, secretary or collector, such vacancy shall be filled up by the representatives for the remainder of the year by a special election to be held for that purpose.

By-laws and
meetings.

4. *And be it enacted*, That two-thirds of a quorum of the said representatives shall have full power to make and prescribe such by-laws, rules, ordinances and regulations as to them from time to time shall appear needful and proper touching the management and disposition of their funds for the purposes aforesaid, and touching the meetings of the said corporation, both special and ordinary, except the second Friday in January in every year, which is hereby declared to be their annual meeting, and touching the duties and conduct of their officers, and touching all such other matters as appertain to the business and purpose for which the said corpo-

ration is by this act instituted, and for no other purpose whatsoever; *providing*, that such by-laws, rules, ordinances ^{Proviso.} or regulations be not repugnant to the constitution or laws of the United States or of this state.

5. *And be it enacted*, That in case any election shall not ^{Elections.} be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not on that account be deemed to be dissolved; but that it shall and may be lawful on any other day to hold and make such election, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

6. *And be it enacted*, That the funds of the said corpora- ^{Funds, how to be appropriated.} tion which shall arise from chimney fines, certificates and donations, and from such other objects as may have been heretofore, or may be hereafter agreed on by the respective representatives, shall be appropriated to the relief of such indigent or disabled fireman, or the widows and orphans of deceased firemen as may be interested therein, and who may, in the opinion of a majority of the representatives be worthy of assistance; but if they shall amount in any one year to a greater sum than the representatives may think necessary to apply to the said purposes, then the said representatives shall have power to apply such surplus to the permanent fund of said corporation.

7. *And be it enacted*, That this act is hereby declared to ^{Public act.} be a public act, and that the same shall be construed in all courts and places benignly and favorably for every beneficial purpose hereby intended.

8. *And be it enacted*, That all acts and parts of acts in ^{Repealed.} any wise inconsistent with this act are hereby repealed.

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

Approved February 27, 1861.

CHAPTER XLI.

A further supplement to the act entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent, with pure and wholesome water."

Preamble.

WHEREAS, by the act to which this is a supplement, and the supplement thereto, the water commissioners therein named were authorized to issue bonds or scrip to the amount of six hundred thousand dollars, and the amount requisite for paying interest on the same accruing until one year after the works should be finished, in the manner therein provided, and to the further amount of one hundred thousand dollars for the extension of said works and constructing sewers in Jersey City; and whereas, said commissioners have, under said acts, issued bonds or scrip to the amount of eight hundred and twenty-five thousand dollars, which have been used or expended for the purpose directed by law, but it has been doubted whether the issue to that amount was authorized by the act and the supplement thereto, and it is desirable that the issue of said bonds should be confirmed and their validity placed beyond doubt; and whereas also, a further sum is needed for the enlargement and extension of said works—therefore,

Bonds valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds and scrip heretofore executed by the water commissioners of Jersey City, to the amount of eight hundred and twenty-five thousand dollars, be and the same are hereby declared to be valid, legal and binding, in the same manner as the first bonds issued to the amount of six hundred thousand dollars are declared to be by said act and the supplements thereto.

Additional
bonds may be
issued.

2. *And be it enacted*, That said water commissioners shall have power, for the purpose of extending and enlarging said

works to issue bonds or scrip to the amount of two hundred and fifty thousand dollars beyond said eight hundred and twenty-five thousand dollars, which bonds shall be of the same force and effect, and as valid for all the purposes directed by law, as the bonds or scrip authorized by the act to which this is a supplement, and the same may be negotiated and pledged in the same manner and on the same terms as directed by said act and supplement for the bonds heretofore authorized.

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

Approved February 27, 1861.

CHAPTER XLII.

AN ACT to revive the act entitled "An act to incorporate the Camden Rolling Mill Company," approved February fourteenth, eighteen hundred and sixty.

WHEREAS, by inadvertence and failure to comply with the Preamble. requirements of the act entitled "An act to increase the revenues of the State of New Jersey," approved March sixth, eighteen hundred and fifty-eight, by paying into the state treasury the assessment required under the provisions of said act, the act entitled "An act to incorporate the Camden Rolling Mill Company" has become inoperative and void—therefore,

Former act re-
vived.

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 Camden Rolling Mill Company," approved February fourteenth, eighteen hundred and sixty, be and the same hereby is revived and restored in full force and effect, in accordance with the terms and provisions of the original charter, upon payment to the state treasurer of the assessment or tax required by law.

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

Approved February 27, 1861.

CHAPTER XLIII.

AN ACT vacating a certain portion of the turnpike road of "the President and Directors of the Newark and Pompton Turnpike Company."

Preamble.

WHEREAS, "the President and Directors of the Newark and Pompton Turnpike Company," by virtue of their charter, passed February twenty-fourth, eighteen hundred and six, erected a turnpike road from Newark, in the county of Essex, to Colfax's Corner, in the county of Morris; and whereas, by virtue of the authority conferred by a supplement to said charter, passed January twenty-eighth, eighteen hundred and thirty, the said "the President and Directors of the Newark and Pompton Turnpike Company" were authorized to abandon so much of their said road as

lies between Mead's Basin, in the county of Passaic, and Colfax's Corner, in the county of Morris; and whereas, it is represented that the part of said road so abandoned is seldom used, and is not in good repair, and is in some places dangerous to persons who may travel thereon, and is not needed for the accommodation of said company or of the public, to be used as a highway, and that both public and private interests would be promoted by a law vacating the part thereof hereinafter described—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of that part of said turnpike road lying between Mead's Basin and Colfax's Corner, and abandoned by said turnpike company under the said act of January twenty-eighth, eighteen hundred and thirty, as lies within the following lines, to wit: Beginning in the north-easterly line of the Newark and Pompton turnpike road, at the angle of said road, north-westerly from the house of Mark Simkins, and north-westerly from the house of Henry Demott, and running thence, along the line of said road north, fifty-eight degrees west, to the point of intersection of the north-westerly line of said road with the north-easterly line of the cross road leading from said turnpike, to the road leading from Morristown to Pompton Plains; thence, along the north-westerly line of said turnpike road, north twenty-six degrees and forty-five minutes, west fifty-three chains, to the point of its intersection with the easterly line of said Morristown and Pompton Plains road; thence, northerly along said last mentioned road, to the point of its intersection with the north-easterly line of said Newark and Pompton turnpike road; thence, along the north-easterly line of last mentioned road, south twenty-six degrees and forty-five minutes east to the place of beginning, be and the same hereby is vacated. Part of road vacated.

2. *And be it enacted*, That the persons in whom is vested the fee simple of that part of said road which is hereby vacated, may resume possession of said vacated part of said road, according to their several and respective interests in the land over which such part of said road was laid, and may Title to revert to former owners.

have, hold, use, occupy, possess, enjoy and dispose of the same as fully and freely as if the road had never been laid, and freed, discharged and cleared of and from all right, title, interest, property, claim, demand, easement and right of way, which the said company ever had or might lawfully have by virtue of their said charter, of, in, to, and over said land where said vacated part of said road was laid.

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

Approved February 27, 1861.

CHAPTER XLIV.

A supplement to an act entitled "An act to incorporate the Trenton and Ewing Turnpike Company," approved March seventeenth, eighteen hundred and sixty.

Preamble. WHEREAS, it is the intention of the Trenton and Ewing Turnpike Company to improve the road leading from the city of Trenton to the State Lunatic Asylum—therefore,

Route of road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said turnpike road be and hereby is extended from its present western terminus along the "river road," to the line of lands belonging to the Delaware and Raritan Canal Company on the southerly bank of the Feeder, thence from the line of lands belonging to said canal company on the northerly bank of said Feeder, and still along said "river road" to Lanning's Corner or cross-roads, thence still along said "river road" to Birmingham.

2. *And be it enacted*, That so much of said public road as ^{Old road vacated,} is included between the western boundary line of the city of Trenton and the western terminus of said turnpike road at Birmingham, be and hereby is vacated for the uses and purposes of the said turnpike company.

3. *And be it enacted*, That the said turnpike company may ^{Within limits of Trenton.} build and construct their said turnpike road within the limits of the city of Trenton, whenever the common council of said city shall grant the necessary authority and permission so to do.

4. *And be it enacted*, That the said company shall com- ^{Term to complete road.} plete their said turnpike road to "Lanning's Corner" within three years, and to Birmingham within six years from the passage of this supplement; *provided nevertheless*, that noth- ^{Proviso.} ing herein contained, or in the act to which this is a supplement, shall prevent or hinder said company from erecting toll houses or charging and receiving toll as soon as one mile of said road is completed and finished.

5. *And be it enacted*, That no part of said road shall have ^{Grade.} a greater elevation or rise above an angle of eight degrees with the plane of the horizon.

6. *And be it enacted*, That so much of the act to which ^{Repealed.} this is a supplement as conflicts or is inconsistent with this act, be and the same is hereby repealed.

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

Approved February 27, 1861.

CHAPTER XLV.

A supplement to the act entitled "An act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty.

Width of road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the turnpike road of "The Gloucester Turnpike Company," leading from Woodbury, in the county of Gloucester, to the town of Gloucester, in Camden county, shall be deemed and considered of the same width throughout the length thereof, as the highway on which the same was constructed was, at, and immediately before the same was vacated for the purpose of constructing said turnpike road thereon.

Approved February 28, 1861.

CHAPTER XLVI.

AN ACT to authorize the city council of the city of Camden to raise by loan a sum not exceeding twelve thousand dollars, for the purpose of erecting a new school house in the north ward of said city of Camden.

Loan authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of

Camden are hereby authorized and directed to raise by loan a sum not exceeding twelve thousand dollars, and to secure the payment thereof by bond or bonds, under the common seal of the city and the signature of the mayor and other proper officers of said city, which said money shall be appropriated, under the direction of the board of education of the city of Camden, for the sole and exclusive purpose of erecting a school house in the north ward of the said city of Camden.

2. *And be it enacted*, That the board of education of the city of Camden are hereby directed and required to assume the payment of said bond or bonds, and for that purpose to give a bond or bonds in their corporate name and under their common seal, to the city of Camden, conditioned for the payment of the sum of one thousand dollars yearly and every year on account of the principal, together with the annual interest accruing thereon, so that the whole loan authorized by this act may be paid off in twelve years.

Bonds may be
issued.

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

Approved February 28, 1861.

CHAPTER XLVII.

Supplement to an act entitled "An act to regulate the business of fire insurance companies or associations not incorporated by this state," passed March nineteenth, eighteen hundred and sixty.

Tax on company released.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Fire Insurance Company of Northampton county, incorporated by an act of the legislature of the state of Pennsylvania, be and the same is hereby excepted from the operation, provisions and penalties of the said act of March nineteenth, eighteen hundred and sixty, entitled "An act to regulate the business of fire insurance companies or associations not incorporated by this state."

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

Approved February 28, 1861.

CHAPTER XLVIII.

AN ACT to authorize the erection of a bridge over Pennshawken Creek.

WHEREAS, on application to the supreme court a public road Preamble. has been duly laid, leading from the village of Palmyra, in the county of Burlington, through the lands of John S. Wallace and others, to a point on the Westfield and Camden turnpike road, in the township of Stockton, (formerly in the township of Delaware,) said road crossing Pennshawken creek; and whereas, said road has been duly opened and made, and a bridge is requisite in order that the same may be used—therefore,

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 Camden and Burlington, to construct a good and sufficient bridge over said creek where the said road crosses the same; said bridge to be so erected as to impede as little as possible the navigation of said creek. Bridge to be built.

Approved February 28, 1861.

CHAPTER XLIX.

A supplement to the act entitled "An act for the preservation of deer and other game, and to prevent trespassing with guns," approved April sixteenth, eighteen hundred and forty-six.

Time for killing woodcock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, if any person or persons shall kill, destroy or take any woodcock, except only between the fifth day of July and the first day of January, yearly and every year, he, she or they so offending shall forfeit and pay for every woodcock the sum of five 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, and on non-payment thereof, shall be committed to the common goal of the county for any period not exceeding sixty days and until the fine and costs are paid; and any person in whose hands or custody any woodcock shall be found that shall have been killed contrary to the provisions of this act, shall be deemed, taken and adjudged to be the killer and destroyer of said game, and liable to the penalties aforesaid.

Former act repealed.

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 February 28, 1861.

CHAPTER L.

AN ACT to authorize the construction of a dock or wharf on Tom's River, in the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John B. Horton and Charles L. Davis be and they are hereby authorized and empowered to erect and maintain a dock or wharf in front of their lands on Tom's river in the township of Dover, Ocean county, said dock or wharf to be built six hundred feet or more, at the option of the proprietors, along the channel of said river, and extending inland twenty-five rods, or as far as may be necessary for the improvement of the property of said proprietors or the benefit of commerce. ^{Dock may be built.}

2. *And be it enacted*, That the said John B. Horton and Charles L. Davis may be and they are hereby authorized and empowered to collect wharfage for the use of said dock or wharf, and shall be entitled to all the benefits accruing from the same, and to hold and enjoy the same to themselves, their heirs and assigns; *provided however*, that no such dock or wharf shall be constructed on said river by virtue of this act as may interfere with or obstruct the navigation of said river. ^{Wharfage. Proviso.}

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

Approved February 28, 1861.

CHAPTER LI.

A further supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Fifth ward
erected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Jersey City north of the centre of Fourth street, in the Fourth Ward of Jersey City, shall hereafter be known as the Fifth Ward of Jersey City, the same commencing in the middle of the Hudson river, and running west to the westerly boundary of Jersey City.

Privileges.

2. *And be it enacted*, That the inhabitants of this ward, by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges, and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Jersey City are or may be entitled or subject.

Election of
officers.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted, on the second Tuesday in April next, and on the second Tuesday in April in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published as aforesaid, in the act to which this is a supplement; at which election four aldermen, (except as is hereafter provided,) one chosen freeholder, one commissioner of appeals, two surveyors of highways, three judges of election, one ward clerk, as many constables in said ward as the common council shall determine by resolution, passed two months before the election, and one pound-keeper, who shall hold their offices respectively for the term of one year, shall be chosen in the said ward hereby created, from and among the citizens residing therein, and entitled to

vote at such elections; and the common council shall appoint three judges of election, and one ward clerk, in the said ward hereby created, before the fifteenth day of March next, under whose direction the first election in the said ward, to be held on the second Tuesday of April next, for the election of city and ward officers, shall be conducted, and the said election shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the election in the wards of the said city heretofore constituted; and the provision of the act to which this is a supplement shall apply and be extended to the judges and clerk of the ward for the first election to be held under this act; and the common council of said city shall procure a ballot box for said ward; and the term of office of such officers as shall be elected under 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.

4. *And be it enacted*, That at the first, or a subsequent ^{Aldermen.} meeting of the common council, after the first Monday in May next, the aldermen elected for the said ward hereby created, shall be divided into two classes, two aldermen of which shall go out of office at the expiration of the first year, and the other two at the expiration of the second year, and on the second Tuesday in April, in the year eighteen hundred and sixty-two, and every year thereafter, the said ward hereby constituted, shall elect two persons as aldermen of said ward, who shall hold such offices for two years; and in case of the death, resignation, or other disability of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

5. *And be it enacted*, That the justices of the peace elected ^{Justices of the peace.} for said Fourth ward shall continue in office until the expiration of their terms of office, and in the enumeration shall be considered as justices of the Fourth ward, and said Fourth ward shall be entitled to elect at all elections for justices of the peace, hereafter to be held, as many justices of the peace as said ward shall be entitled to under the census of eighteen

hundred and sixty; and at the election to be held on the second Tuesday of April next, said ward hereby created shall elect two justices of the peace, and no more, until after the taking of the next census, and for such election the ward hereby created shall be considered as a township.

Commission-
ers of deeds.

6. *And be it enacted*, That the commissioners to take the proof and acknowledgments of deeds, appointed and commissioned for said Fourth ward, shall continue in office until the expiration of their terms of office, and the commissioners residing in the Fourth ward, shall be commissioners for said ward, and those residing in the ward hereby created, shall be commissioners for said Fifth ward; and at the first joint meeting held after the passage of this act, or any subsequent joint meeting, the full number of commissioners that each of said wards are respectively entitled to, may be appointed and commissioned for said Fourth and Fifth wards respectively.

Present alder-
men.

7. *And be it enacted*, That the present aldermen elected for the said Fourth ward, shall continue in office until the expiration of their terms.

General As-
sembly.

8. *And be it enacted*, That an election shall be held in the ward hereby created, on the Tuesday next after the first Monday in November next, and annually thereafter, for member of the general assembly, and other officers to be chosen at said election, which said election shall be conducted in the manner prescribed in the act to which this is a supplement for the other wards of the city of Jersey City.

Assembly dis-
trict.

9. *And be it enacted*, That the said Fifth ward hereby created, shall constitute a part of the same assembly district, in which the territory hereby created into a new ward has been heretofore included, being the First assembly district of the county of Hudson, until the State shall be re-districted under the census of eighteen hundred and sixty.

Assessor.

10. *And be it enacted*, That the assessor to be elected under the third section of the act to which this is a supplement, to be a resident of the Third or Fourth wards, may be a resident of the Third, Fourth or Fifth ward hereby erected.

11. *And be it enacted*, That this act shall take effect im-

mediately, and that the common council of Jersey City shall make all the provisions necessary to carry this act into effect, and all acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Approved February 28, 1861.

CHAPTER LII.

AN ACT to divide the township of North Bergen, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of North Bergen, in the county of Hudson, be and the same is hereby divided into three separate townships; and all that part of said township by this act divided, hereinafter described and bounded, shall be a separate township, called and known by the name of the township of West Hoboken, in the county of Hudson, to wit: beginning at a point where the easterly line of the Palisade avenue intersects the southwest side of the Bergen turnpike; thence, running north-westwardly along the south-westerly side of said Bergen turnpike, to a point where the same intersects the east side of the Bergen Woods road; thence south-westwardly along the easterly side of said Bergen Woods road to a point where the same intersects the centre of Paterson avenue; thence eastwardly along the centre of said Paterson avenue to a point where it strikes the centre of the Paterson plank road; thence along the centre

Township of
West Hobo-
ken erected.

of said plank road, and along the north boundary of Hudson City to where the same strikes the north-westerly line of Hoboken City; thence along and in the courses of said Hoboken City line to the Weehawken township line; thence along said township line, and in the several courses thereof, to the point or place of beginning; and said township shall be and the same is hereby constituted one school district.

Township of
Union erected.

2. *And be it enacted*, That all that part of said township by this act divided, which is within the bounds hereinafter described, shall be a separate township, called and known by the name of the township of Union, in the county of Hudson, to wit: beginning at a point on the west side of the road leading from Bull's Ferry to Hoboken, and formerly called the Weehawken turnpike, (said point dividing lands late of Mitchel Saunier and John Van Horne,) and thence running southwardly along the west side of said road to the Bergen turnpike; thence along said turnpike to the centre of the Bergen Woods road; thence along the centre of said road to the north line of the corporation or town of Gottenburg; thence eastwardly along said line of Gottenburg and south line of lands of John Meeks and others, to the Hudson river; then following said river by its several courses to the north-east point of the line of Weehawken township; and thence westwardly along said township line to the point or place of beginning.

Township of
North Bergen.

3. *And be it enacted*, That all that part of said township by this act divided, which lies within the bounds hereinafter defined and described, shall be a separate township, called and known by the name of the township of North Bergen, in the county of Hudson, to wit: beginning at a point at the junction of Paterson avenue and Bergen Woods (or Weaver-town) road, thence running along the east side of said road to the Bergen turnpike; across said turnpike to the centre of the Bergen Woods (or Dallytown) road; thence along the centre of said road to the north line of Gottenburg, along said line to the Hudson river, then by the courses of said river to the county line of Hudson and Bergen counties,

along said county line to the Hackensack river; thence down said river to the mouth of Penhorne's creek, along said creek to the east side of New Barbadoes turnpike, along said turnpike to the Secaucus road; thence along said road to Pater-son avenue, and along the centre of said avenue to the point or place of beginning.

4. *And be it enacted*, That each of the said townships by this act established, shall be and the same is hereby constituted a body politic and corporate in law, each respectively by the name and style of "The inhabitants of the township of West Hoboken," in the county of Hudson; "The inhabitants of the township of Union," in the county of Hudson; "The inhabitants of the township of North Bergen," in the county of Hudson, and as such corporate bodies, by the respective titles aforesaid, each of said townships is to possess and hold all rights, powers, privileges, authority and advantages, and be subject to the same regulations, government and liabilities as said township by this act divided hitherto, or as other townships in said Hudson county under existing laws of the state.

Townships in-
corporated.

5. *And be it enacted*, That all commissions from state au- thorities, and the exercise of official functions by elected officers within bounds of the township hereby divided, shall continue till they cease by their own limitation; officers of election already chosen shall officiate at the next town meet- ing, each in his respective capacity, in the township in which he is entitled to vote; and offices of election in the respective townships not filled, shall be supplied in the manner as va- cancies are supplied by law at annual town meetings.

Present off-
icers continued

6. *And be it enacted*, That the persons qualified to vote at town meetings, shall, at their respective annual meetings in each of said townships, elect a town clerk, a judge of elec- tions, one assessor, and one collector, (who shall also act as collector of delinquent taxes, as constable, pursuant to section eighteenth of "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six;) one chosen free- holder, two surveyors of highways, three commissioners of

Election of of-
ficers.

appeal in cases of unjust taxation, one or two overseers of the poor, so many overseers of highways as there are road districts, a township committee consisting of three persons, a majority of whom shall be a quorum; a superintendent of common schools, so many justices of the peace as the township is constitutionally entitled to, one or two constables, one pound keeper, two game keepers; and shall also, upon the same ballot, vote for the amount of tax moneys for the year, to be raised for the support of the poor, for school purposes, and for repairing roads; and all the property within the townships shall be assessed and liable for the above purposes.

Duties of present clerk of township.

7. *And be it enacted*, That the town clerk now officiating be and he is hereby empowered to put up notices of election within the territorial limits of the respective townships, pursuant to the provisions of this act and of the election laws now in force, that the polls in each township be open to receive voters' ballots at nine o'clock in the morning on the day of election, and be closed at seven o'clock in the evening; and the same shall be held, the ensuing spring election, the second Wednesday of April, in the year of our Lord eighteen hundred and sixty-one, at the house of Garret Van Vorst, in the township of West Hoboken; at the house of Tiebault Betz, in the township of Union; and at the house of Frederick Schwartz, in the township of North Bergen; and thereafter where the respective townships shall, according to law, decide.

Property, &c., of North Bergen.

8. *And be it enacted*, That all real estate, or parts thereof, and all property of whatever description, vested in the township of North Bergen hereby divided, shall remain vested in the townships hereby established, as tenants in common, the ratable proportions inuring to each of the respective townships according to the latest assessment of the said the township by this act divided; obligations existing or pending between the inhabitants of the township hereby divided and any other authority or party, are in no manner absolved by this act, and all tax moneys, tallage and revenues, as well as

all existing liabilities, shall be shared and borne, as this act goes into effect, by the said townships hereby established, ratably and in accordance with the proportions of taxation in the said the respective townships.

9. *And be it enacted*, That the members of the town com-^{Division of property.} mittees of said townships be and they are hereby empowered to meet on the fourth Monday of April ensuing the first election, at the inn of Cornelius McCollum, (township of North Bergen,) at nine o'clock in the forenoon of that day, and then and there proceed ratably to impose, divide and apportion the liabilities, funds, revenues and estate of said township hereby divided; and should any such committee, or members thereof, fail to attend, then a majority may proceed to make such division and apportionment, setting forth the same in writing, for publication in the first subsequent annual report of each of said townships; and such convention of committees, or members thereof, shall have power to adjourn from day to day, and their decision, or the decision of a majority of them, shall be conclusive and final; and passage of this act shall be sufficient notice of the time and place of such meeting.

10. *And be it enacted*, That each and all of the paupers^{Paupers.} legally chargeable to the township hereby divided, when this act goes into effect, shall be chargeable to, and supported by, the respective townships created by this act, within the bounds of which said pauper or paupers shall have gained a settlement.

11. *And be it enacted*, That all acts and parts of acts, laws^{Repealed.} and parts of laws, now in force and inconsistent with this act, be and the same are hereby repealed.

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

Approved February 28, 1861.

CHAPTER LIII.

A further supplement to an act entitled "An act to incorporate Jersey City," approved March, eighteen hundred and fifty-one.

Sixth ward
erected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Jersey City, beginning at a point in the middle of Newark Avenue, and at a point in a line with the centre of Jersey Avenue or street as laid out; thence, running up the middle of said Newark Avenue or turnpike westerly, to the Mill Creek; thence, southerly along the westerly and southerly boundary of said city as now established, to the centre line of Jersey Avenue or Jersey street; thence, along the centre of said Jersey Avenue or street, northerly, to the place of beginning, shall be taken from what is now known as the third ward of Jersey City, and the same is hereby erected into and constituted a new ward, to be called the sixth ward of Jersey City.

Rights of in-
habitants.

2. *And be it enacted*, That the inhabitants of this ward, by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Jersey City are or may be entitled or subject.

Election of
officers.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted, on the second Tuesday in April next, and on the second Tuesday in April in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published as aforesaid in the act to which this is a supplement; at which election four aldermen (except as hereinafter provided), one chosen freeholder, one commissioner of appeals, two surveyors of highways, three judges of election, one ward clerk, as many constables in said ward as the common council shall determine by reso-

lution, passed two months before the election, and one pound keeper, who shall hold their offices respectively for the term of one year, shall be chosen in the said ward hereby created, from among the citizens residing therein and entitled to vote at such elections; and the common council shall appoint three judges of election and one ward clerk in the said ward hereby created, before the fifteenth day of March next, under whose direction the first election in the said ward, to be held on the second Tuesday of April next for the election of city and ward officers shall be conducted, and the said election shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the election in the wards of the said city heretofore constituted; and the provision of the act to which this is a supplement shall apply and be extended to the judges and clerk of the ward for the first election to be held under this act; and the common council of said city shall procure a ballot box for said ward, and the term of office of such officers as shall be elected under 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.

4. *And be it enacted*, That at the first, or a subsequent ^{Aldermen.} meeting of the common council, after the first Monday in May next, the aldermen elected for the said ward hereby created, shall be divided into two classes, two aldermen of which shall go out of office at the expiration of the first year, and the other two at the expiration of the second year; and on the second Tuesday in April in the year eighteen hundred and sixty-two, and every year thereafter, the said ward hereby constituted shall elect two persons as aldermen of said ward, who shall hold such offices for two years; and in case of the death, resignation or other disability of any aldermen of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

5. *And be it enacted*, That the justices of the peace elected ^{Justices of the} for said third ward shall continue in office until the expiration ^{peace.} of their terms of office, and in the enumeration shall be con-

sidered as justices of the third ward; and said third ward shall be entitled to elect at all elections for justices of the peace hereafter to be held, as many justices of the peace as said ward shall be entitled to under the census of eighteen hundred and sixty; and at the election to be held on the second Tuesday of April next, said ward hereby created shall elect two justices of the peace, and no more, until after the taking of the next census, and for such election the ward hereby created shall be considered as a township.

Commission-
ers of deeds.

6. *And be it enacted*, That the commissioners to take the proof and acknowledgments of deeds appointed and commissioned for said third ward, shall continue in office until the expiration of their terms of office, and the commissioners residing in the third ward shall be commissioners for said ward, and those residing in the ward hereby created, shall be commissioners for said sixth ward; and at the first joint meeting held after the passage of this act, or any subsequent joint meeting, the full number of commissioners that each of said wards are respectively entitled to may be appointed and commissioned for said third and sixth wards respectively.

Present alder-
men.

7. *And be it enacted*, That the present aldermen elected for the said third ward, shall continue in office until the expiration of their terms.

Member of as-
sembly.

8. *And be it enacted*, That an election shall be held in the ward hereby created on the Tuesday next after the first Monday in November next, and annually thereafter, for member of the general assembly and other officers to be chosen at said election, which said election shall be conducted in the manner prescribed in the act to which this is a supplement for the other wards of the city of Jersey City.

Assembly dis-
trict.

9. *And be it enacted*, That the said sixth ward hereby created shall constitute a part of the same assembly district in which the territory hereby created into a new ward has been heretofore included, being the second assembly district of the county of Hudson, until the state shall be re-districted under the census of eighteen hundred and sixty.

10. *And be it enacted*, That the assessor to be elected ^{Assessor.} under the third section of the act to which this is a supplement, to be a resident of the third or fourth wards, may be a resident of the third, fourth, fifth or sixth ward hereby erected.

11. *And be it enacted*, That this act shall take effect im- ^{When to take effect.} mediately, and that the common council of Jersey City shall make all the provisions necessary to carry this act into effect; and all acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

Approved February 28, 1861.

CHAPTER LIV.

A supplement to the act entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and fifty-six.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Council to grant licenses.} *the State of New Jersey*, That the city councils of the city of Camden, in the county of Camden, shall have the exclusive power to grant licenses to persons to keep inns and taverns and victualing houses, with the privilege of retailing spirituous liquors within the said city.

2. *And be it enacted*, That every application for license as ^{Made of petition.} aforesaid shall be made to said city council 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 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.

Terms of license.

3. *And be it enacted*, That the city council 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 said city council; the said council shall charge for every license granted not less than thirty 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 president and clerk of council, and no license shall be delivered until the fee thereof shall be paid to the city clerk, and all moneys received for licenses shall be paid to the city treasurer, and by him credited to the ward wherein such license may be granted.

Restrictions.

4. *And be it enacted*, That every license granted as aforesaid, and the person or persons to whom the same shall be granted, shall be subject to the provisions of the act to which this is a supplement, and the supplement or supplements thereto, except so far as the same may be inconsistent with the provisions of this act.

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

Approved March 4, 1861.

CHAPTER LV.

AN ACT to establish a new township in the county of Union, to be called the township of Linden.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundaries of township.} *the State of New Jersey,* That all those parts of the city of Elizabeth and townships of Rahway and Union, in the county of Union, contained within the following bounds, to wit: Beginning at a point on the northerly side of Staten Island Sound, at the intersection of the line between the city of Elizabeth and the township of Rahway, running thence, northerly in a direct line, to a point on the highway leading from the city of Elizabeth to Westfield, opposite the Galloping Hill road; thence, westerly along said highway leading from the city of Elizabeth to Westfield, to its intersection with the Central railroad of New Jersey; thence, still westerly along said railroad to the Rahway river; thence, southerly along the said Rahway river, to the centre of the bridge crossing the same at Vreeland's Mill; thence, still southerly, in a straight line, to the north-easterly corner of the city of Rahway; thence, along the easterly line of the city of Rahway to its intersection with the Rahway river; thence, easterly along said river, to Staten Island Sound, and thence, along said sound to the point or place of beginning, shall be and hereby is set off from the city of Elizabeth and townships of Union and Rahway, in the county of Union, and shall be called and known by the name of the township of Linden.

2. *And be it enacted,* That the inhabitants of the township ^{Township incorporated.} of Linden 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 Linden, in the county of Union, and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the

other townships in the said county of Union, are or may be entitled or subjected to by law.

First town
meeting.

3. *And be it enacted*, That the inhabitants of the township of Linden shall hold their first annual town meeting at the inn now kept by John B. Day at Wheatsheaf, in said township, on the day appointed by law for holding the annual town meetings in the other townships in the county of Union, and afterward at such place in the said township of Linden as the inhabitants thereof shall determine.

Officers to be
elected.

4. *And be it enacted*, That the inhabitants of the said township of Linden are hereby authorized and required to elect by ballot, and not otherwise, at said town meeting, and at their annual town meetings thereafter, such officers as are authorized by law to be chosen in the other townships of the county of Union, and shall also vote on the same ballot for the amount of money to be raised for school purposes, for the repairing of the roads, for the support of the poor, and for such other purposes as may be authorized by law.

Elections.

5. *And be it enacted*, That the elections shall open at ten o'clock in the forenoon and close at the hour of four o'clock in the afternoon of the same day, except when justices of the peace are elected, when the polls shall be opened and closed at the same hour as at state elections; and also, that at the first election held under this act, Gilbert Rindell shall be judge of election, John W. Mulford and William Ross shall be inspectors, and Elias W. Vreeland 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.

School taxes.

6. *And be it enacted*, That the inhabitants of the township of Linden shall be entitled to have and receive of and from the city of Elizabeth and the townships of Union and Rahway, their full quota and proportion of all moneys now raised or appropriated for school purposes, the same as if this act had not been passed; and no incorporated school district in the townships of Union and Rahway shall continue or be in force within the said township of Linden.

7. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected and residing within the said township of Linden, nor with the commissions of justices of the peace, nor commissioners to take acknowledgments of deeds, but the said officers, justices and commissioners shall continue to act and exercise their respective powers and duties until the expiration of their respective terms of office. Present officers not to be affected.

8. *And be it enacted*, That the township of Linden shall form a part of the first assembly district of the county of Union. Assembly district.

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

Approved March 4, 1861.

CHAPTER LVI.

AN ACT to authorize the trustees of the Methodist Episcopal Church, at Bloomsbury, to sell and convey their old house and lot of land.

WHEREAS, the trustees and members of the Methodist Episcopal Church at Bloomsbury, in the county of Hunterdon, have set forth in their petition that they have purchased a lot of land and erected a new house of worship; and that the old one is no longer needed as such—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Force, J. B. Boss, J. S. B. Stewart, James L. Willever, James Williams, William Trustees may sell old house.

Dalrimple, Charles Siders, H. Trombower, E. T. Vleit, trustees of the Methodist Episcopal Church aforesaid, or their successors in office, or a majority of them, be and they are hereby authorized to sell and convey the old house of worship and land held by them as trustees, and after paying expenses of sale, to apply the proceeds of said sale to the payment of the debts incurred in building the new house aforesaid.

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

Approved March 4, 1861.

CHAPTER LVII.

A further supplement to an act entitled "An act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six.

Powers granted to consul or vice-consul of United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any consul or vice consul of the United States for the time being, in any foreign city or country, shall have the same powers at the place for which he is appointed, or where he may be acting, as are given by this act and the supplements thereto, to an ambassador, public minister, charge of affairs, secretary of legation, or the representative of the United States at a foreign court or government; and that all proofs and acknowledgments taken by virtue hereof shall be certified under the official seal of such consul or vice consul.

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

Approved March 5, 1861.

CHAPTER LVIII.

AN ACT to incorporate the Weehawken Fire Department, of the township of North Bergen, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the male inhabitants of that part of the township of North Bergen, in the county of Hudson, which is included within the limits of the Weehawken school district, in said township, between the ages of twenty-one and fifty-five years, be and are hereby created and declared to be a body politic and corporate, under the name and style of "The Weehawken Fire Department, of the township of North Bergen, in the county of Hudson." Incorporation of fire department.

2. *And be it enacted*, That the said inhabitants shall have power, at any time hereafter, to form such and so many fire engine, hose, hook and ladder companies, as they may deem desirable, for the purpose of protecting the property of the district above described, from damage or destruction by fire; *provided*, not more than one fire engine company be formed to every two thousand inhabitants of said district, and that every such company be composed of not more than forty men; *and provided also*, not more than one hook and ladder or hose company be formed to every two thousand of said inhabitants, each to be composed of not more than forty members. Companies may be formed. Proviso.

3. *And be it enacted*, That the legal voters of said township residing within the limits of the above described district, shall, on the second Monday in April next, assemble at John Buck's hotel, in the township of North Bergen, at the hour of two o'clock in the afternoon, and at the same hour of the day on the second Monday in April of each succeeding year, at such places as the board of trustees shall determine, and being so assembled shall elect by ballot, by plurality of votes, Trustees to be elected.

seven persons as trustees of the corporation hereby created, who shall hold their office for the term of one year, and until others are chosen in their stead; which trustees, hereafter to be elected, by a majority of their number, shall have power to grant or annul a certificate of membership of either of said fire engine, hook and ladder, or hose companies, and that such certificate shall be necessary to constitute membership of any such company; no certificate shall be given at any time to honorary members.

May hold property.

4. *And be it enacted*, That the estate, both real and personal, hereafter to be acquired under this act, is hereby vested in the said trustees, and their successors, in trust, always for the benefit of the said corporation hereby created; the said trustees may, from time to time, make and enforce such by-laws and regulations for the acquisition, management and control, in furtherance of the objects of this incorporation, as they shall deem expedient; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this state; a majority of said trustees shall constitute a quorum for the transaction of business.

Proviso.

Money may be raised by taxation.

5. *And be it enacted*, That the inhabitants of the district aforesaid be and they are hereby authorized, at their next annual meeting aforesaid, to vote for any sum of money not exceeding twenty-five hundred dollars, a certificate of which vote shall be delivered by the chairman of the board of trustees to the assessor of the township of North Bergen, on or before the first Monday in May ensuing every such election; which money shall be assessed and collected within the said district in the same manner that the other taxes of the township are assessed and collected; which money, when collected, shall be paid over by the collector of said township to the chairman of the said board of trustees, and take his receipt for the same as a sufficient voucher; which money shall be solely and exclusively applied by the said trustees to the procuring, repairing, maintaining and preserving the engines, engine houses, cisterns or reservoirs of water, ladders, buckets, fire hooks, and all necessary implements and machines,

and to the purchase of real estate necessary for such houses, and to such other incidental expenses as shall to the said trustees appear best calculated to secure the property of said inhabitants from injury or destruction by fire.

6. *And be it enacted*, That the said corporation shall be 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 may have and use a common seal, and have power to make and alter the same at pleasure, and by their common seal may make, enter into and execute any contract or agreement, touching and concerning the objects of said corporation.

7. *And be it enacted*, That at the first meeting for the election of trustees as aforesaid, the legal voters present shall select three of their number to preside over such election; and that every election thereafter shall be presided over by the chairman of the board of trustees and any two of said board whom the legal voters present at such election may select, and that the polls shall be opened from the hours of two o'clock in the afternoon until seven o'clock in the evening.

8. *And be it enacted*, That the duly constituted members of said department (of which the present members of the Union Hill Hook and Ladder Company, No. 1, shall be members,) shall have power to elect, by plurality of votes, a chief engineer of said department, who shall hold his office for one year, and until another shall have been chosen to succeed him, his election having first been confirmed by a majority of said trustees; *provided*, he may at any time be removed, if desired, by two-thirds of such members, in which case, and upon the request of two-thirds of said members, a new election shall be held to supply his place.

9. *And be it enacted*, That vacancies in the said board of trustees, occasioned by death, removal or refusal to serve, shall be filled by the remaining trustees.

10. *And be it enacted*, That all persons, during the period of their actual membership of either of the companies, organ-

Corporation to have a seal, &c.

How elections are to be conducted.

Chief engineer

Proviso.

Vacancies.

Members exempt from jury duty.

ized in and by the said department, shall be exempt from serving as jurors in all courts of Hudson county, and also from all militia duty and military tax in time of peace; and every person having served as a member of said department for the period of ten years, and having received a certificate from said trustees of such service, shall be forever exempt from such duty and tax in said county.

List of members to be filed

11. *And be it enacted*, That the chairman of said trustees shall file a true and correct list of all the members of each fire company in said district, within twenty days after his election, in the office of the clerk of Hudson county, under the penalty of one hundred dollars for neglect of such duty, which penalty may be recovered from such chairman in an action of debt, in the name of the said corporation and for its benefit.

Penalty for voting illegally.

12. *And be it enacted*, That if any person shall vote at the said annual meeting who is not qualified as aforesaid, he shall be subject to the same pains and penalties of any person who should vote at the annual town meeting of the township of North Bergen, without being duly qualified so to do.

Public act.

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

Approved March 6, 1861.

CHAPTER LIX.

AN ACT amendatory to an act entitled "A supplement to an act entitled 'An act to incorporate Jersey City.'"

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Former act amended.} *the State of New Jersey,* That the words "officers and," as they occur in section first of an act entitled "A supplement to an act entitled 'An act to incorporate Jersey City,' approved March twenty-first, eighteen hundred and sixty," be stricken out, and the words "except the chief of police and his aids," be inserted immediately after the words "police department."

2. *And be it enacted,* That the chief of police shall be ^{Election of chief of police.} elected by the people at the next and every succeeding annual charter election, and enter upon the duties of his office on the first Monday of May following.

3. *And be it enacted,* That the chief of police shall have ^{Power of chief of police.} the power to select from the police department his aids, when the number of the same has been fixed by the common council.

4. *And be it enacted,* That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed. ^{Repealer.}

Approved March 6, 1861.

CHAPTER LX.

AN ACT to incorporate the Newark and South Orange Horse Car Railroad Company.

Names of corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Aaron B. Baldwin, Charles E. Gardner, Daniel F. Ball, Charles W. Newton, Marcus D. Ball, James G. Barnet, Stephen B. Sanders, John C. Denman, John S. Struthers, Robert Dod, Henry A. Whitney, and such other persons as may be hereafter associated with them, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "the Newark and South Orange Horse Car Railroad 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.

Capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same to fifty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Books to be opened for subscription, and election to be held.

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 think proper, giving at least twenty days' notice of the same in two of the newspapers published in the county of Essex; and at the time of subscribing for said stock, ten per centum shall be paid upon the amount subscribed for to the commissioners, or some one of them; and

as soon as the sum of fifteen thousand dollars of the capital stock is subscribed for, such commissioners shall give notice for a meeting of the stockholders to choose nine 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 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 persons, or any three 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 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 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 number of the directors of the said company shall be nine; and in case it shall happen that an election of directors shall 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 two newspapers published in the county aforesaid; and the di-

Future elec
tions.

rectors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Powers and
duties of di-
rectors.

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 remaining stock of said company, by such installments and at such times as they may direct, by giving thirty days previous notice in two of the 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 one 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.

Route to be
surveyed, &c.

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 South Orange avenue, at or near Forest street, in the city of Newark, connecting with the Orange and Newark Horse Car Railroad Company's road, to some point in South Orange, in the township of Clinton, in the county of Essex, and to locate and construct said railroad, not exceeding one hundred feet in width; 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 railroad, and of locating the same, and to make and erect all necessary works, build-

ings and appendages thereof, doing no unnecessary damage to private property; and when the route and location 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 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 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 railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for.

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway, except for the purpose of crossing the same, in the city of Newark, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose, without first obtaining the permission of the common council of said city, upon such conditions and restrictions as the said common council may designate to lay the same; and if the said railroad shall be located on any public highway, except for the purpose of crossing the same, in the township of Clinton, the said company shall not lay any rails along such highway, without first obtaining the consent, in writing, of the township committee, surveyors of the highways and chosen freeholders 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 the said railroad 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 in which the said road may be located.

8. *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

When road is located upon a public highway.

Proceedings when company and owners do not agree.

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 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 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 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 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 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 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 the time and place appointed, and to proceed to view and examine the 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 appraisement 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 and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the afore-

said description of the lands and the appointments and oaths or affirmations aforesaid, in the clerk's office of 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 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.

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 Essex, at the first term after filing of the said report, by proceeding in the form of petition to said court, 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 the 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 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 the said appeal shall be applied for by the owner or owners, and the

Appeals from
award of com-
missioners.

Proviso.

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 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 the said commissioners as the value of the said 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 the amount found by the jury in case of an appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this 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; 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, or shall be constructed a viaduct, at such a height as not to interfere with the passage of the trains upon such other railroad.

Proviso.

10. *And be it enacted*, That in case the said railroad is ^{Public high-} located on or across any road or highway, the said company shall restore such road or highway to such state or condition as not to impair its usefulness.

11. *And be it enacted*, That the president and directors of said Newark and South Orange Horse Car Railroad Com- ^{May provide cars and receive toll.} pany shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, with such motive power as they may think reasonable, expedient or right, but that no steam power shall be used in passing on or over any public road or highway, or on said railroad; 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; *provided*, that they shall not ^{Proviso.} charge more than five cents per mile for each passenger and ten cents per ton per mile, for the transportation of every species of heavy merchandize 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 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*, ^{Proviso.} 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 railroad and its appendages, and the land over which the same shall pass, and all the works and

Proviso.

improvements and all other property whatsoever, belonging to the company and their successors for and during the continuance of the charter; *provided always*, that in case the said company, after the road is completed, shall abandon the same or cease to use and keep it in repair for one successive year, in the city of Newark, that the charter shall be annulled so far as it affects said city of Newark, and the common council may remove the same and appropriate enough of the materials thereof to defray the expenses of such removal, and for repairing said street or streets; that then and in that case this charter shall be annulled, and the title of the land over which the said railroad is located, shall be reverted in the person or persons who would have been legally entitled thereto if the said railroad had not been located; but the superstructure of the said railroad, and the material of which the same are composed, shall in such case be deemed and taken to be personal property of the company, and shall be by them removed and disposed of within a reasonable time, to and for the use of the said company.

Dividends.

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

Real estate.

13. *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 five acres in each place, and may erect and build thereupon depots, warehouses, 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.

14. *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. Penalty for injury to road, cars, &c.

15. *And be it enacted*, That as soon as the said railroad is finished, 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 all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and as soon as the net profits equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. Statement of cost of road.

16. *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 company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the re-payment 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; *provided however*, that the said company shall not plead the statute of usury in consequence thereof. May borrow money.

17. *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 com- May contract with other companies.

pany 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 rates 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.

Time of completion.

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

May connect with another company.

19. *And be it enacted*, That the said company shall have power to connect with the Newark and Orange Horse Railroad Company, upon such terms and conditions as shall be agreed on between them, and not inconsistent with their respective charters.

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

Approved March 7, 1861.

CHAPTER LXI.

AN ACT to provide for the sale of the poor house and farm, and the tracts of land appertaining thereto, belonging to the townships of Bergen and North Bergen, and the cities of Hudson and Hoboken, in the county of Hudson.

WHEREAS, the townships of Bergen and North Bergen, and the cities of Hudson and Hoboken, are the owners in such shares as shall be hereafter specified, as tenants in common of the poor house, and the farm and tracts of land appertaining thereto, situate in the township of North Bergen, in the county of Hudson; and whereas, such common ownership of said property is a source of great trouble and inconvenience to the several owners aforesaid, and occasions frequent difficulties in regard to the management of the same—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mindert Van Horne, Hartman Vreeland, and Hartman Van Wagenen, of the township of Bergen, Abraham W. Duryea, of the township of North Bergen, Edmund T. Carpenter, of the city of Hudson, and Charles Chamberlain, of the city of Hoboken, shall be and are hereby appointed commissioners for the purpose of making sale and conveyance of the said poor house and farm, and the tract or tracts of land appertaining thereto, above referred to, together with all and singular the appurtenances to the said property in any way belonging or appertaining, and to divide the proceeds thereof between the several owners, as follows: to the township of Bergen, the one-half; to the township of North Bergen, the five-eighths of one quarter; to the city of Hudson, the three-eighths of one quarter; and to the city of Hoboken, the one quarter.

Commission-
ers to sell farm
&c.

2. *And be it enacted*, That the said commissioners shall meet at the hotel of Edmund T. Carpenter, in the city of Hudson, on the first Monday of April next, and subsequently at such times and places as they, or a majority of those in attendance, may adjourn to, and having severally taken and subscribed an affidavit that they will faithfully, fairly and impartially perform the duties required of them by this act, shall, as soon thereafter as they can in their judgment do so to good advantage, make sale and conveyance in fee simple of the property hereinbefore mentioned, in one tract, or in such lots, tracts or parcels, to such person or persons, and upon such terms, as they may deem most expedient and proper; and for that purpose shall make and execute, under their hands and seals as such commissioners, such deed or deeds of conveyance as may be necessary and proper; and such deed or deeds of conveyance so executed by said commissioners, or any four of them, and delivered, shall be good, valid and binding for the purposes therein expressed, and shall convey and give to the purchaser or purchasers an absolute estate of inheritance in fee simple in the property thereby conveyed; *provided*, that possession of said poor house and adjacent buildings shall not be given before the first day of April, one thousand eight hundred and sixty-two.

Provide.

Money to be
divided.

3. *And be it enacted*, That the said commissioners, after deducting from the money which they shall receive for said property a certain sum to pay the expenses of the commission, to be fixed as hereinafter provided, shall divide the residue as hereinbefore prescribed, and pay over each share or part, as follows: to the collector of the township of Bergen, the one-half; to the collector of the township of North Bergen, the five-eighths of one quarter; to the treasurer of Hudson City, the three-eighths of one quarter; and to the treasurer of the city of Hoboken, one quarter; for the use of the poor of the townships and cities aforesaid respectively.

Securities to
be divided.

4. *And be it enacted*, That in case the said commissioners shall receive for said property any choses in action, or securities for the payment of money, then they shall divide the

same into the several shares as hereinbefore prescribed, and deliver to the collectors of each of the townships, and to the treasurers of each of the cities aforesaid, the share belonging to said township or city, for the use of the poor of the said townships and cities respectively.

5. *And be it enacted*, That after the said commissioners Commissioners to report. shall have made sale and conveyance of the said property, they shall make report, verified by affidavit, to the circuit court, at the next term thereafter, and also to the joint boards of the township committee and councilmen of the townships and cities aforesaid, in the said county of Hudson, of such sale, and of the amount of money or securities which they have received therefor, and the said joint boards shall thereupon fix the sum which the said commissioners shall receive respectively for such service, and their expenses in that behalf expended, and the amount thereof shall be deducted by the said commissioners from the money in their hands, before the same is paid over as hereinbefore provided.

6. *And be it enacted*, That the said commissioners shall Committees, &c., of the townships may be convened. have power to call together from time to time, and at such times and places in either of said townships or cities as they may deem necessary, the said joint boards of township committee and councilmen, by giving them at least ten days' notice thereof, in at least two of the newspapers published in the county of Hudson, and at all joint meetings the township of Bergen shall be entitled to three votes, the township of North Bergen to one vote, and the cities of Hudson and Hoboken to one vote each, on all questions coming before them in relation to the disposition of any joint property of said townships and cities, either real or personal; and in case any or either of the commissioners herein appointed shall be unwilling to serve, or shall not enter upon the duties of said commission, or in case of the death or inability of either of the said commissioners, then any one of the judges of the circuit court of the county of Hudson shall, upon application, supply the vacancy or vacancies thus made, taking care that in so doing each of said townships and cities shall be repre-

sented with the number of commissioners as herein first specified or appointed.

Final report of
commissioners.

7. *And be it enacted*, That after the money and securities shall be paid over by the said commissioners as hereinbefore provided, they shall make a final report thereof to the said circuit court, and all the reports and affidavits provided for by this act shall be filed in the office of the clerk of the county of Hudson.

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

Approved March 7, 1861.

CHAPTER LXII.

AN ACT to incorporate the Farmers' Railroad Company.

Names of cor-
porators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Allen, Charles M. Harker, Samuel R. Gaskill, Samuel Stockton, Samuel H. Horner, Charles Meirs, Rescarrick M. Smith, and such others as may be associated with them, are hereby declared to be a body politic and corporate, by the name of "the Farmers' Railroad Company," and shall be capable of purchasing, holding and conveying all property that shall be necessary for the object of this incorporation.

Capital stock.

2. *And be it enacted*, That the amount of capital stock shall be five hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be deemed personal property, and transferable as the corporation may direct.

Subscriptions
to capital
stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscrip-

tions to the capital stock, at Pemberton, in Burlington county, and Hightstown, in Mercer county, giving twenty days' notice by publishing the same in newspapers of the counties of Burlington and Mercer; five per centum shall be paid on each share when subscribed; and at the time of subscribing for said stock, five dollars shall be paid on each share subscribed to the commissioners, or some one of them, and that the residue of the subscription shall be paid in such installments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, by giving twenty days' notice thereof as aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them to and for the use of the company; and whenever two hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall, as soon as they deem it expedient, give like notice for a meeting of the stockholders at such time and place as they may designate, 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 said above-named persons, or any three of them, shall be inspectors of the first election of directors of the said company, 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 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; 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 corporation shall provide.

In case of failure to elect.

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 corporation shall not for that cause be deemed to be dissolved, but such election may be held at some 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.

Route of road.

5. *And be it enacted*, That the directors are invested with full power to lay out and construct a railroad from Pemberton, in Burlington county, to a point at Hightstown, in the county of Mercer, passing through New Egypt, with the privilege of building a branch to Perrineville, and branches to any of the marl beds in the vicinity; *provided*, that said branches shall not exceed two miles in length, and to run engines and cars on such railroad and branches, and to demand and take fare and tolls for the transportation of passengers and merchandize thereon, not to exceed three cents per mile for each passenger, and six cents per ton per mile for each ton of heavy merchandize, produce, property and freight; but for the transportation of dry goods, packages, and express freight, the said company may charge such reasonable rates as they shall deem proper; said road not to exceed sixty-six feet in width, and each of said branches not to exceed fifty feet in width; and where the same shall cross any public highway, turnpike, or plank road, the crossing shall, if at the grade thereof, be well planked or stoned, or otherwise made and maintained in good repair, so as not unnecessarily to impede the travel or interfere with the public convenience.

Proviso.

Rates of toll.

Survey and construction of road.

6. *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,

bridges and waters, for the purpose of exploring, leveling, surveying, and laying out the route of such railroad and branches, and of locating and 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 its branches, 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 the persons in their employ, or authorized by them, compensation being first made therefor, to enter upon the possession of, hold, use, occupy and excavate any such lands, or such parts thereof, and to hold and enjoy such and so much of all rights, privileges, franchises, property and bridges, as they may acquire or take as herein provided; and to erect embankments, viaducts, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the making, completion and repair of said railroad and its branches, and to carry into full effect the objects of this act; and may take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing or altering the said road or its branches, or of any of the works or appendages, first making compensation therefor in the manner hereinafter provided.

7. *And be it enacted*, That if the said railroad, or its branches, shall cross any lands, bridges, or any parts thereof not owned by 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 for the use or purchase 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, property or materials so required for the use of the said company in the construction of the said road and branches, shall be given in writing, under the oath or affirmation of some en-

Proceedings
when com-
pany and own-
ers cannot
agree.

gineer, superintendent, or proper agent of said company, and also of 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 circuit court of the county where such lands, property or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons, corporation or corporations interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, 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 this state, commissioners to examine and appraise the said lands, property and materials, or any of them, and assess the damages, upon such notice, not less than twenty days, to be given to the person or persons, corporation or corporations interested, or otherwise, as shall be directed by the judge making the appointment of the commissioners; and it shall be the duty of said commissioners, or a majority of them, having first taken and subscribed an oath or affirmation before some person duly authorized to administer 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 and examine the said lands, property and materials, or such of the same as may be required for the purposes of this act, and to make a just and equitable appraisalment or estimate of the value of the same, and an assessment of damages, which shall be paid by the company for such land, property, materials and dam-

ages 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, with the aforesaid description of the land, property or materials, and the appraisement and oaths and affirmations aforesaid, in the clerk's office in the county in which said lands, property or materials shall be; or in case the same shall lie partly in one county and partly in another, then to be filed in the clerk's office of either county, to remain of record therein; which report, or a copy thereof certified by the clerk of the county, or in case of an appeal the verdict of a jury and the judgment of the court thereon, or a copy thereof certified by the clerk of the supreme court, shall (the appraisement and damages found or assessed, with the costs adjudged, being first paid, or tendered and deposited in the supreme court,) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land, property and materials, and any judge of said circuit or supreme court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the judge of said court, commissioners, 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 the said company, or owner or owners of the said lands, property or materials, shall be dissatisfied with the report made by the commissioners, or by a majority of them, named in the preceding section, the party so aggrieved may appeal to the supreme court, at the first term after the filing of said report, by proceeding in form of petition to the 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 to order a jury to be empannelled and sworn, as in other cases, and a view of the lands, property and materials to be had, if either of the parties desire it, and the issue to be tried at the next term of the circuit court to be holden in the

Appeal from
award of com-
missioners.

county in which the supreme court shall order the trial to be held, or at any subsequent term to which the said cause shall be continued, 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, property and materials, and the damages sustained; and if they shall find a greater sum than the said commissioners have awarded or the company have offered to said owner or owners, then judgment thereon, with costs, shall be entered in the supreme court against 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 said supreme 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 supreme court shall direct, shall be paid by the company to the owner or owners of the land or materials in controversy; or tendered, and if refused, deposited in the supreme court; *provided*, that such appeal or application shall not prevent the said company from taking the said land, property and materials, upon the filing of the aforesaid report and payment, or tender of payment, and deposite in the said supreme court of the sum assessed as aforesaid.

Proviso.

Dividends.

9. *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 dividend of the net profits thereof among the stockholders as they may deem prudent, and shall in like manner, semi-annually thereafter, declare such dividend, and pay the same to the stockholders or their legal representatives, in proportion to the amount of stock held by them respectively.

May hold real estate.

10. *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 each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

11. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any building, machinery 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. Penalty for injury to road, &c.

12. *And be it enacted*, That whenever the net proceeds of the road authorized to be built by this act shall amount to seven per centum per annum on its cost, the said company shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. When tax shall be levied.

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 kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts. May make contracts with other corporations, &c.

14. *And be it enacted*, That the said road must be commenced within five years and completed within ten years from the fourth of July, eighteen hundred and sixty-one, or this charter shall be void. Limitation

15. *And be it enacted*, That the governor, attorney general, chancellor, the justices of the supreme court, the state superintendent of public schools, and the judges of the court of errors of this state, while traveling for the purpose of dis- Who may travel free.

charging the duties of their office, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved March 7, 1861.

CHAPTER LXIII.

AN ACT to alter the boundary line between the townships of Rahway and Union, in the county of Union.

Alteration of
boundary line.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Rahway, lying northwardly of the Central Railroad of New Jersey, be and the same is hereby set off from the said township of Rahway, and annexed to and made a part of the township of Union, in the county of Union.

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

Approved March 7, 1861.

CHAPTER LXIV.

A supplement to "An act to incorporate the town of Bergen, in the county of Hudson," 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 in addition to the powers granted to the councilmen of said town by the act to which this is a supplement, they are hereby authorized and empowered to cause to be constructed common sewers or drains of brick or other material in the streets, roads or avenues, within the district to which this supplement shall apply, and also to establish the grade of any street, road or avenue, or to alter and change the grade thereof, and to curb and gutter the same, and to lay cross and side walks therein, and to repair or cause to be repaired any sewer, side walk, curb or gutter, in any street, road or avenue in said district, and to assess the cost and expense of any one or all the improvements above specified upon the property in front of which such improvement shall be made, or in case of sewers or drains, upon the property drained and benefitted by such sewer or drain according to the judgment and discretion of the commissioners to be appointed pursuant to the eighth section of the act to which this is a supplement, and all such assessments shall be and remain a lien on the real estate in said district, as provided in the eleventh section of the act to which this is a supplement, and payment thereof enforced as therein provided.

2. *And be it enacted*, That the improvements contemplated in the foregoing section shall only be made within the following described district in said town, viz: beginning on the shore of Communipaw Cove, in the centre of the Communipaw lane, and running thence westerly through the centre of

Councilmen
may erect
sewers, &c.

Limited to a
certain dis-
trict.

said lane to the easterly side of the Morris canal, thence southerly along the Morris canal until the centre line of Myrtle avenue produced shall strike the same, thence westerly through the centre of Myrtle avenue to the old Bergen road, thence northerly through the centre of the old Bergen road to the centre of the Newark plank road, thence westerly through the centre of said plank road to the centre of the Back lane, thence northerly along the centre of the Back lane to the New Jersey Railroad, thence easterly along the New Jersey Railroad to the boundary of Jersey City, and thence along the boundary of Jersey City and the shore of Communipaw bay to the place of beginning; *provided however*, that no improvement above provided for shall be entered upon by said councilmen unless the application therefor shall be made by persons interested in and representing at least half of the land to be assessed for the same; *and provided further*, that after any such improvement, or any improvement authorized by the act to which this is a supplement, shall be ordered by the councilmen, they may grant to any applicant reasonable time to make the same in front of his own property, under the direction of the council or their committee, and such permission shall in no wise affect the assessment to be made for the remainder of the work.

Proviso.

Proviso.

May make
contract and
payment.

3. *And be it enacted*, That the said councilmen are hereby authorized to execute under their common seal, to any contractor for any improvement to be made by virtue of this supplement, or the act to which this is a supplement, certificates of indebtedness, from time to time, as the work progresses, with or without interest, as the councilmen may deem expedient.

May prevent
peddling, &c.

4. *And be it enacted*, That no person shall be allowed or permitted to peddle any article whatsoever within the said town of Bergen, without first obtaining a license therefor from the said councilmen, upon such terms and conditions, and upon the payment of such sum of money as the said councilmen shall by ordinance prescribe; and to enforce obedience to such ordinance, the councilmen are hereby empow-

ered to impose a fine not exceeding twenty dollars for the violation thereof; *provided*, that a license for the state shall exempt any person from the operation of this section, or the ordinance to be passed in pursuance hereof. ^{Proviso}

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

Approved March 7, 1861.

CHAPTER LXV.

A further supplement to an act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the middle of High street, which would be intersected by a line drawn through the centre of Springfield avenue; thence, running westerly, in the middle of Springfield avenue to the easterly boundary line of Clinton township; thence, southerly, along the said boundary line of Clinton township to its intersection with the present easterly line of the sixth ward, (centre of Broad street;) thence, northerly, along the middle of Broad street to High street; thence, northerly, along the middle of High street to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the thirteenth ward of the city of Newark. ^{Thirteenth ward created.}

Incorporation
of ward.

2. *And be it enacted*, That the inhabitants of this ward, by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Newark are or may be entitled or subject.

Election of of-
ficers.

3. *And be it enacted*, That an election by ballot shall be held in said ward hereby constituted, on the second Tuesday in October next, and on the second Tuesday in October in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published, as prescribed in the seventh section of the act to which this is a supplement; at which election, two alderman, (except as is hereinafter provided,) two commissioners of public schools, (except as is hereinafter provided,) who shall hold their offices respectively for the term of two years; and one assessor, three judges of election, one ward clerk, one commissioner of appeals in cases of taxation, one member of the board of excise, and three constables, who shall hold their offices respectively for the term of one year, shall be chosen in said ward hereby created, from and among the citizens residing therein and entitled to vote at such election; and the common council shall appoint three judges of election and one ward clerk in said ward hereby created, under whose direction the first election in said ward, to be held on the second Tuesday of October next, for the election of city and ward officers, shall be conducted; and the said elections shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the eighth section of the act to which this is a supplement, shall apply and be extended to the judges and clerk of the board for the first election to be held under this act; and the common council of said city shall procure an election box for said ward; and the term of office of such officers as shall be elected under this section

shall commence on the first Tuesday after the first day of January in each and every year.

4. *And be it enacted*, That at the first or a subsequent meeting of the common council, after the first Tuesday after the first day of January next, the aldermen elected for the said ward hereby created shall be divided into two classes, one aldermen of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year, and that on the second Tuesday in October, in the year eighteen hundred and sixty-two, and every year thereafter, the said ward hereby constituted shall elect one person as alderman of said ward, who shall hold such office for two years; and in case of the death, resignation, or other disability of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

5. *And be it enacted*, That at the first or subsequent meeting of the board of education after the first Tuesday after the first day of January next, the commissioners of public schools elected from the said ward hereby created, shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday in October, in the year eighteen hundred and sixty-two, and every year thereafter, the said ward hereby constituted, shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years; and in case of the death, resignation or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

6. *And be it enacted*, That there shall be in the said ward, hereby created, one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like term, and have the like powers and authority as the other special police justices in and for the said city.

When act to
take effect.

7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined, and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January next, to appoint one special police justice in the said ward who shall enter on the duties of his office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall, before that period, take such proceedings as are hereby set forth and enjoined for the purpose of the organization of the said ward and the due conducting of the first election under this act.

Election of
November,
1861.

8. *And be it enacted*, That for all the purposes of the election on Tuesday next after the first Monday in November, eighteen hundred and sixty-one, for members of the general assembly, and other offices to be chosen at said election, the said ward hereby created, is declared to be constituted and to exist in all respects as if this act took effect immediately after its passage; and the said election shall be held at the same place, and be conducted by the same officers in the said ward as shall be appointed by the common council for the ward election to be holden on the second Tuesday of October next; and the officers of election of the said ward (unless disqualified by law, or refusing or neglecting to serve, in which case any vacancy or vacancies may be filled according to law) shall perform all the duties which devolve upon them respectively in like manner as the officers of election of the other wards of the city of Newark are required by law to do.

Approved March 7, 1861.

CHAPTER LXVI.

A further supplement to the act entitled, "An act to incorporate the Warren Railroad Company," approved February twelfth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the completion of the said Warren Railroad shall be extended until the first day of January, in the year of our Lord one thousand eight hundred and sixty-six.

Time extended for completion of road.

2. *And be it enacted*, That until the Vanness Gap Tunnel, on the line of the said road, is completed, it shall be lawful for the said company to use the temporary line around the said tunnel as it has heretofore done.

Temporary track.

Approved March 7, 1861.

CHAPTER LXVII.

AN ACT regulating the election of Overseers of Highways, in the township of Beverly, outside the lines of the city of Beverly, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseer of the highways in and for the district lying outside the city of Beverly, in the township of Beverly, shall be elected by the legal voters therein, at the usual time and place of holding the annual

How overseer of road to be elected.

town meetings in said township, and in the same manner and form, except only that a separate box shall be provided by the township committee, which shall receive the ballots of the legal voters outside said city limits for said overseer.

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

Approved March 7, 1861.

CHAPTER LXVIII.

AN ACT to incorporate the Philadelphia and Bridgeton Steamboat Company.

Corporation
created.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Calvin Taggart, Wilmon Whildin, William M. Farr, Hiram Harris, David Blew, and all such persons as shall hereafter be associated with them and their successors, are hereby made and established a corporation and body politic, by the name and designation of the Philadelphia and Bridgeton Steamboat Company, and by that name shall have continued succession, and may make and have a common seal, and shall be able to sue and be sued in all courts of record and elsewhere, and shall have full power, right and legal authority to purchase, build, hold, occupy and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as hereinafter declared.

2. *And be it enacted*, That the capital stock of said corporation shall be forty thousand dollars, which shall be divided into shares of one hundred dollars each, which said shares shall be divided by the board of directors among the above named persons and others, who may be owners of the steamboat Patuxent, and other property used in carrying on the business of said boat, in proportion to their respective interests therein; and the said capital stock is to be employed in running the said steamboat called the Patuxent, or any other steamboats, between Bridgeton, in the county of Cumberland, and the city of Philadelphia, or any other points on the Delaware bay or river, and tributaries, and is to be vested in the purchase, building and repair of said boats and their appurtenances, and in the purchase, building and repair of suitable landings, wharves, store-houses, and other buildings necessary and proper for carrying on their business; and the said capital stock shall be deemed personal estate, and shall be assignable on the books of the said corporation agreeably to such by-laws as may be from time to time established.

3. *And be it enacted*, That Hiram Harris, David Blew, ^{Directors.} Calvin Taggart, Wilmon Whildin, and William M. Farr, shall be directors of said company until an election shall be held as hereinafter provided, and the said or any directors afterwards chosen, shall appoint one of their number to be president, and all such other officers, agents and workmen, from their own number or other persons, as they shall deem necessary, and shall have power to require and take from any of the said officers, agents or workmen, such bonds or other security for the faithful performance of their duties and contracts, as they shall consider necessary and proper.

4. *And be it enacted*, That the corporation shall be considered as organized immediately after the passage of this act, and the directors shall proceed to carry into effect the purposes thereof, and shall have power from time to time to make such by-laws, rules and regulations, for the said company, as to them shall seem expedient, and not inconsistent with the laws of this state or of the United States.

Capital stock,
now divided.

When corporation to be
organized.

Election of future directors.

5. *And be it enacted,* That the affairs, property and concerns of said company shall be conducted by five directors, any three of whom shall be a quorum, and at least two shall be residents of this state, and shall be chosen annually by the stockholders, in person or by proxy, each share being entitled to one vote, and no person shall be eligible to be a director who is not a stockholder; the first election to be held at the hotel in Bridgeton, on the first Monday in April next, and annually thereafter at such time and place as the by-laws shall direct, ten days' notice of which said time and place shall be given in a newspaper published at Bridgeton.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted,* That if 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 such election may be held at any other time thereafter, upon notice as aforesaid, and the directors for the time being shall continue in all cases to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote in person or by proxy.

Banking prohibited.

7. *And be it enacted,* That the said corporation shall not use or employ any part of the capital stock, or other funds, for banking or other purposes not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Legislature may alter charter.

8. *And be it enacted,* That it shall be lawful for the legislature at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall continue in operation twenty years and no longer.

Approved March 7, 1861.

CHAPTER LXIX.

AN ACT to authorize the trustees of Saint Mark's School District, in the town of Orange, in the county of Essex, to sell and convey certain real estate.

WHEREAS, the trustees of Saint Mark's School District, in the town of Orange, in the county of Essex, have by their petition represented that they are now in possession of certain real estate in said town, consisting of a small lot of land situate at the head of Main street, nearly opposite Saint Mark's (Episcopal) Church, with a small, dilapidated building thereon; and that a school has been maintained on the premises for more than eighty years last past; and that they have been unable to learn either the time when the said school was established or from whom or in what manner the said lot of land was originally acquired; and that, because of the growth of the said district and the demand for increased accommodations, as well as because of the peculiar and unfavorable location and condition of the said lot and building, the property has become unsuitable for school purposes; and whereas, the taxable inhabitants of said district are desirous of selling said real estate and using the proceeds thereof in the establishment of their school in some more convenient and desirable locality; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said trustees of Saint Mark's School District, in the said town of Orange, or their successors in office, or a majority of them, be and they are hereby authorized and empowered to sell, at public sale, and to convey by deed of conveyance, under their hands and seals, in fee simple absolute, the said lot of land, with the said building and the appurtenances thereto belonging; and that

*Trustees may
sell lot, &c.*

the purchaser or purchasers thereof, his, her or their heirs and assigns, shall hold the said land and appurtenances so conveyed to his, her or their own use forever, free and clear, and absolutely discharged from all trusts whatsoever upon which the same may have been held as aforesaid.

Proceeds may
be applied to a
school.

2. *And be it enacted*, That the proceeds of such sale, after deducting the expenses thereof, shall be appropriated by the said trustees, or their successors in office, to the establishment of a school in some other part of said district.

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

Approved March 7, 1861.

CHAPTER LXX.

AN ACT to incorporate the Neptune Fire Company, Number One, of the township of West Hoboken, Hudson County.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Lanne, Aaron K. Nafie, Andrew Anderson, John G. Gordon, Charles H. Piebes, Garret Van Vorst, William H. Alcorn, John Lane, John P. Vanskiver, Henry Sinclaire, John Sinclaire, Peter Archdeacon, William F. Green, John H. Myers, Joseph A. Alcorn, Joseph Fahys, John Daws, John Scherr, Paul Hecker, Peter Rutsell, John L. Freeland, Charles Berie, James D. Brinckhoff, George Jonnge, Charles Lever, A. Naumann, James

Evener, John M. Gardiner, Charles A. Yates, William E. Wells, John Lee, Leonard Launce, August Lombard, A. Antoine, and all such other persons, not exceeding sixty in number, as now or hereafter shall become associates of Neptune Fire Company, Number One, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of Neptune Fire Company, Number One, of West Hoboken.

2. *And be it enacted*, That the persons entitled to vote at ^{Who entitled to vote.} the annual town elections in the township of West Hoboken, shall, on the second Wednesday of April next, at the town election in said township, and annually thereafter, elect by plurality of votes, five persons, as trustees of said corporation hereby created, who shall hold their office for the term of one year, and until others are chosen in their stead.

3. *And be it enacted*, That the estate, both real and personal, now belonging to, or hereafter to be acquired by said corporation, is hereby vested in the said trustees and their successors, in trust, however, for the benefit of the said corporation; the said trustees may from time to time make and enforce such by-laws and regulations for the acquisition, control and management thereof, in furtherance of the objects of said incorporation, as they shall deem expedient; *provided*, ^{Real estate.} the same are not inconsistent with the laws of this state or of the United States; the said trustees shall have power to issue certificates of membership, and annul the same whenever the same shall, in their judgment, be deemed essential for the protection of the rights and good standing of the company; a majority of said trustees shall constitute a quorum for the transaction of business; they shall keep a book of minutes of their proceedings, which shall be opened to the inspection of all persons interested. ^{Proviso.}

4. *And be it enacted*, That the said company, by their trustees, shall 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 of judicature whatsoever; and they and their succes- ^{Powers and duties of trustees.}

sors respectively may have and use a common seal, and have power to make, alter and renew the same at pleasure, and by their common seal may make, enter into, and execute, any contract or agreement touching and concerning the objects of said corporation; and the said trustees shall and may acquire and hold real estate for the benefit of said corporation, necessary for the objects thereof; *provided*, the same shall not exceed in value the capital stock of said company.

Proviso.

Capital stock.

5. *And be it enacted*, That the capital stock of said company shall not exceed the sum of four thousand dollars, which shall be solely and exclusively applied by the said trustees to the procuring, repairing, maintaining and preserving the engine, engine house, reservoirs of water, ladders, buckets, fire hooks, hose, and all necessary implements and appendages, and to such other incidental expenses as shall to the said trustees appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

First board of trustees.

6. *And be it enacted*, That John Hague, John Sickles, John Symes, John Alcorn and William H. Lanne, shall constitute the first board of trustees under this act, who shall respectively hold their offices until the second Wednesday of April next, and until others are chosen in their stead.

Vacancies.

7. *And be it enacted*, That vacancies occasioned by death, resignation, or refusal to serve in the board of trustees, shall be filled by the remaining trustees.

Election of foreman.

8. *And be it enacted*, That the members of said company shall have power to elect their foreman and other necessary officers, and may from time to time make by-laws and regulations for the admission of new members and for their own personal government; *provided*, said by-laws and regulations are not inconsistent with the constitution and laws of this state or of the United States.

Proviso.

Exemption from jury duty.

9. *And be it enacted*, That every person who, on the second Wednesday of April next, shall have been a fireman in the West Hoboken School District for the period of one year or more, and who shall serve as such for six years thereafter, and every person who, on the second Wednesday of April

next, shall have been such fireman for a less period of time than one year, and who for so long a time thereafter as shall make the whole term of service seven years, and every person who may become such firemen after the passage of this act, and shall serve as such for seven years thereafter, shall be exempted from serving as a juror in any of the courts of this state, and from militia duty and military tax in time of peace; and all persons having served as members of said company for the period of seven years, and having received a certificate from the said trustees of such service, shall be forever exempt from such jury, militia duty and tax, except in case of war, invasion or insurrection.

10. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved March 7, 1861.

CHAPTER LXXI.

Supplement to the act entitled "An act to incorporate the president and directors of the Hackensack and Paterson Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*; That the said company have leave to vacate all that part of the said turnpike road lying in the county of Bergen, which lies between the intersection of the Pollify road and said turnpike and the town of Hackensack, and that the part so vacated shall hereafter be deemed and taken as a public highway, and shall be worked, maintained

May vacate part of a certain turnpike road.

Proviso.

and kept in order in the same manner as other highways are worked, maintained and kept in order in this state; *provided however*, that the president and directors of said turnpike company shall permit the township to take earth from the hill near said intersection for the purpose of working the part so vacated forever without charge, such township taking such earth from the top of said hill and always keeping the road from which such earth shall be taken in traveling order.

Approved March 7, 1861.

CHAPTER LXXII.

AN ACT to regulate the election of overseers of the highways in the townships of Phillipsburgh, Pahaquarry and Harmony, in the county of Warren, and in the township of Bernards, in the county of Somerset.

First elections
to be held in
road district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highway of the several road districts in the townships of Phillipsburgh, Pahaquarry and Harmony, in the county of Warren, and in the township of Bernards, in the county of Somerset, 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 said townships; and for the purpose of carrying this provision into effect, it shall be the duty of the clerks of the said townships to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meetings in said townships, and shall cause

notice thereof to be posted up in some conspicuous place in such district, at least ten days before the time of holding any such meeting, which shall be some convenient place in the district when and where the legal voters of 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 in the road district, shall proceed, viva voce, by the holding up of hands, or by count, to elect a moderator of such meeting by a plurality of votes; and being so organized, the meeting shall proceed by ballot, or viva voce, to elect an overseer of the highway for such road district; and the moderator of each district 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 the person so elected to accept of the appointment, the township committee shall fill such vacancy, and furnish a list of the names of such 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.

2. *And be it enacted*, That all subsequent district road meetings in said townships, 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 meeting; and all such subsequent district road meetings shall be held on Saturday preceeding the annual town meetings in said townships; and should the overseers 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 any other cause, the township committee shall fill such vacancy, and cause the names of the persons so elected or appointed to be published as aforesaid.

Subsequent
elections.

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

Approved March 7, 1861.

CHAPTER LXXIII.

AN ACT to incorporate the Acorn Copper Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter I. Clark, George F. Crater, Charles L. Rowand, and their associates, and such other persons as are or may hereafter be associated with them, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "the Acorn Copper Company," for the purpose of mining for copper ores, with a capital of one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars.

Election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, who shall be annually elected on the second Tuesday of February, at such time of day, and place in said county, as the by-laws of said corporation shall direct; and public notice shall be given of the time and place of holding said election, not less than twenty days previous thereto, in one of the newspapers printed at Flemington, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy, each share having one vote, and persons having the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed to elect by ballot one of their number to be their president; and the board shall have power to fill all vacancies which may occur during the year for the remainder thereof; *provided*, that Peter I. Clark, George F. Crater, Charles L. Rowand, and their associates, shall be the first board of directors, and shall serve until the next annual election.

Proviso.

3. *And be it enacted*, That failure to elect on the day pre-^{Failure to elect.}scribed, shall not work a dissolution of the corporation, but it shall and may be lawful to hold such election at any future day, by giving notice thereof, as prescribed in section second of this act.

4. *And be it enacted*, That the capital stock of the corpora-^{Capital stock.}tion shall consist of the tracts of land, mines, mining privileges, rights and reservations, minerals and ores, engines, smelting furnaces, and all the buildings and improvements thereon now belonging to the above named corporators, or which the said company may hereafter acquire in the county of Hunterdon, in the state of New Jersey, not exceeding in value the sum of five hundred thousand dollars, which shall be divided into shares of ten dollars each; and it shall be lawful for the directors of said incorporation to assess from time to time upon each share of the stock of said corporation, a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days, and provided two-thirds in interest of the stockholders shall consent thereto, at a meeting of the stockholders called for the purpose, on a notice thereof given the same as provided for in relation to the election of directors, it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock in the same manner; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given as aforesaid, shall forfeit to said corporation each and every share of stock upon which such assessment remains unpaid for the period of thirty days after notice shall have been given in such form as the by-laws may ordain, to the stockholder that such assessment was due and unpaid.

5. *And be it enacted*, That a majority of the directors for^{Quorum.} the time being shall form a board or quorum for the transaction of the business of the corporation.

6. *And be it enacted*, That the stock of the said corpora-^{Personal estate.}tion shall be deemed personal estate, and shall be transferable only on the books of the corporation to be kept for the pur

pose, in such manner as shall be prescribed by the by-laws of the said corporation.

Privileges defined.

7. *And be it enacted*, That the business and operations of this corporation shall be confined to the mining for ores and minerals upon the lands now owned by the corporators, or upon which they now have the mining right and privilege, or which the corporation may hereafter acquire, the purchase and sale of ores and metals, and the smelting, refining and manufacture thereof, with the steam engine, smelting furnace and other improvements which the corporators now have, or with such other fixtures, machinery and improvements as the said corporation may hereafter construct or acquire, and the sale of their manufactured articles.

Limitation.

8. *And be it enacted*, That this act shall continue in force for the term of twenty years, but shall be subject to alterations or repeal by the legislature whenever the public good shall require.

Approved March 7, 1861.

CHAPTER LXXIV.

AN ACT to incorporate the Newark and Irvington Horse Car Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey,* That Jacob Skinkle, Jabez W. Hayes, Albert H. Brown, Hubbell W. Risley, Isaac Winans, Francis B. Curtis, Charles A. Lent, Samuel H. Gardner and Alfred Edwards, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Newark and Irvington Horse Car Railroad 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.

2. *And be it enacted,* That the amount of the capital stock ^{Capital stock.} of said company shall be twenty-five thousand dollars, with the privilege of increasing the same to 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.

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 think proper, giving at least twenty days' notice of the same in two of the newspapers published in the county of Essex; and if more than twenty-five thousand dollars of stock be subscribed, it shall be the duty of the said commissioners to make a fair and just apportionment of the stock among the subscribers, in such manner as they may think best calculated to secure the speedy construction of the

road; that at the time for subscribing for said stock ten per centum shall be paid upon the amount subscribed for, to the commissioners, or some one of them; and as soon as the sum of ten thousand dollars of the capital is subscribed for, the said company shall be organized by the said commissioners, who shall be the first directors of this company, and continue such until such time in the year eighteen hundred and sixty-two as said company, by their by-laws, may appoint for the annual election of directors; and the said directors, as soon as may be convenient after said sum is subscribed, and the directors chosen at every annual election of directors shall 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.

Failure to
elect not to
vacate charter

4. *And be it enacted*, That the number of directors of the said company shall be nine; 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 dissolved, but such election may be held at any other time, on giving at least twenty days' notice in two of the newspapers published in the county aforesaid; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their place.

Payment of
installments.

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 remaining 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

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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 one 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.

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 in the village of Irvington, in the township of Clinton, in the county of Essex, to the city of Newark, there to connect with and run over the railroad of the Orange and Newark Horse Car Railroad Company to the Market street depot, and to locate and construct said railroad, not exceeding one hundred feet in width; 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 railroad, and of locating the same, and to make and erect all necessary works, buildings, and appendages thereof and therefor, doing no unnecessary damage to private property; and when the route and location 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 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 and all other necessary works

Route and
powers of cor-
poration.

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 railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for.

When located
on public high-
ways.

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway, except for the purpose of crossing the same, in the city of Newark, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose, without first obtaining the permission of the common council of said city, upon such conditions and restrictions as the said common council may designate to lay the same; and if the said railroad shall be located on any public highway other than the Newark and Springfield turnpike, except for the purpose of crossing the same, in the township of Clinton, the said company shall not lay any rails along such highway without first obtaining the consent, in writing, of the township committee, surveyors of the highways and chosen freeholders 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 the said railroad 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 in which the said road may be located.

Proceedings
when com-
pany and own-
ers cannot
agree.

8. *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 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 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 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 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 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 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 the time and place appointed, and to 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 appraisement of the value of the same, and an assessment of the damages to be paid by the said company, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and 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 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 prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Appeal from
award of com-
missioners.

Q. *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 Essex, at the first term after the filing of the said report, by proceeding in the form of petition to said court, 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 in 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 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 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 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 said company enter upon or take possession of the

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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 the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said 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 the amount found by the jury in case of appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this 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; 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; *pro- Provide.* *vided,* 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, at such a height as not to interfere with the passage of the trains upon such other railroad.

10. *And be it enacted,* That in case the said railroad is ^{Of crossing a highway.} located on or across any road or highway, the said company shall restore such road or highway to such state or condition as not to impair its usefulness.

11. *And be it enacted,* That the president and directors of ^{Privileges of Company.} said Newark and Irvington Horse Car Railroad Company shall have power to have constructed or to purchase with the funds of the company, and place and use on said railroad

cars, wagons, carriages, or vehicles, for the transportation of persons or any species of property, with such motive power as they may think reasonable, expedient or right, but that no steam power shall be used in passing on or over any public road or highway without the permission of the public authorities of the city or township before mentioned; 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 whatever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per mile for the transportation of every species of heavy merchandize and goods 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 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 the 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 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 railroad 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 and their successors, shall be and remain their property for and during the continuance of the charter; *provided always*, that in case the said company, after the road is complete, shall abandon the same or cease to use and keep it in repair for two full successive years, in the city of Newark, the charter shall be annulled so far as it affects

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said city of Newark, and the common council may remove the same and appropriate enough of the materials thereof to defray the expenses of such removal, and for repairing the street or streets; and in case of the abandonment or ceasing to use said road for two full successive years, the title of so much of the land over which the said railroad so abandoned or no longer used is located, shall be reverted in the person or persons who would have been legally entitled thereto if the said railroad had not been located; but the superstructure of the said railroad, and the materials of which the same are composed, shall in such case be deemed and taken to be personal property of the company, and shall be by them removed and disposed of within a reasonable time, to and for the use of the said company.

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

13. *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 five acres in each place, and may erect and build thereupon depots, warehouses, 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. ^{May hold real estate.}

14. *And be it enacted*, That it shall and may be lawful for the board of directors of "The President and Directors of the Springfield and Newark Turnpike Company," to authorize and empower the said the Newark and Irvington Horse Car Railroad Company to lay and operate the track or tracks for their road, with proper and necessary turn-outs and switches, ^{May contract with a certain turnpike company.}

in and upon and along the turnpike road, or any part thereof, of said turnpike company, between the termini of said railroad; and the power and authority so to lay and operate said railroad and switches and turn-outs, when given by said board of directors, shall be sufficient to all intents and purposes to authorize and empower said railroad company so to lay out and operate said railroad, switches and turn-outs in and upon and along said turnpike.

Penalty for injury to works.

15. *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.

Statement to be made and tax paid.

16. *And be it enacted*, That as soon as the said railroad is finished, 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 all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and as soon as the said company shall declare to their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

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May borrow money.

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 company with all necessary lands, rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the re-payment thereof by bond and

mortgage, or otherwise, on the said railroad, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the said company shall not plead the Proviso. statute of usury in consequence thereof.

18. *And be it enacted*, That it shall be lawful for the said Contracts with other companies. corporation, at any time during ⁴³ the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting and 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 rates of fare and tolls as said company are entitled to demand and receive by virtue of this act for transportation and passage over their own road.

19. *And be it enacted*, That if the said railroad is not com- Limitation pleted and in use within three years from the fourth day of July next, then and in that case this act shall become void.

20. *And be it enacted*, That the said company shall have May connect with other companies. power to connect with any railroad in said city of Newark hereafter built and established by any company incorporated by the New Jersey legislature, upon such terms and conditions as shall be agreed upon between them, and not inconsistent with their respective charters.

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

Approved March 7, 1861.

CHAPTER LXXV.

A further supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six.

Bloomfield
township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth sections of the act entitled "A supplement to an act concerning roads," approved March twenty-third, eighteen hundred and fifty-nine, shall extend to and be in force in the township of Bloomfield, in the county of Essex.

Repeater.

2. *And be it enacted*, That all acts and parts of acts, which conflict with the above mentioned sections of the said act of eighteen hundred and fifty-nine, shall not apply to or be in force in the township of Bloomfield, in the county of Essex.

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

Approved March 7, 1861.

CHAPTER LXXVI.

Supplement to an act entitled "An act to incorporate the Jersey City and Hoboken Horse Railroad Company," approved March twenty-third, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the above mentioned act, be and the same is hereby repealed, and that the following be substituted in lieu thereof: That nothing in this act shall be construed to authorize said company to lay down any railroad track or tracks in any of the public streets, lanes or avenues (except to cross the same) in any of the incorporated cities of Hudson county, without consent of the city authorities of the same, by whatever name they are known, except the consent in writing of the owners of at least three-fourths of the property fronting on the street or streets through which said railroad track shall be laid, is first had and obtained, such consent must be given by the owners of three-fourths of the property in each block, and by obtaining the authority as aforesaid, said company shall be authorized to put down two tracks in any of the streets, lanes or avenues so designated as aforesaid; and the said city authorities shall designate the number of tracks that shall be laid in any street, lane or avenue of said city or cities.

Company required to procure consent of certain persons.

2. *And be it enacted*, That section fifteen in said act be amended by striking out the words, "when two miles or more of said [road] are completed," and inserting in place thereof—when so much of said road is completed as to make it a public convenience.

Fifteenth section amended.

3. *And be it enacted*, That section sixteen in said act be amended by striking out the words, "and finished in four years."

Sixteenth section amended.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately, and that so much of the act to which this is a supplement, and all other acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 8, 1861.

CHAPTER LXXVII.

AN ACT to incorporate the board of education of the city of Rahway.

Board of education designated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education of the city of Rahway shall consist of three commissioners of public schools in and for each of the wards of said city, who shall constitute and be known as "the board of education of the city of Rahway," and they and their successors shall be and they are hereby constituted a body politic and corporate, by the name of "the board of education of the city of Rahway," 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 pleasure.

Election of Commissioners.

2. *And be it enacted*, That at the next annual charter election in said city, there shall be chosen by the electors of each ward three commissioners of public schools, one for one year,

one for two years, and the other for three years; and at every annual charter election thereafter, there shall be chosen by the electors of each ward, one commissioner of public schools for the term of three years.

3. *And be it enacted*, That the said board shall annually ^{Duties of. President.} elect a president from its own body, and in his absence a president pro tempore, appoint its times and places of meeting, and the rules of its own proceedings; it shall also appoint a secretary, who shall keep a journal of its proceedings, and perform such other duties as the board may prescribe; a majority of the whole number of commissioners 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 a majority of the whole number of commissioners; the president of the board shall have power to call special meetings whenever he shall deem it expedient.

4. *And be it enacted*, That the board shall prepare and ^{Money to be raised and appropriated.} transmit to the common council of the city of Rahway, on or before the first Monday 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 the common council of the city of Rahway shall determine, by resolution, the amount of moneys to be appropriated to public schools during the year, including therein the quota of the city of Rahway of the annual appropriations made by the state for the support of public schools; and the common council are hereby empowered to raise by tax such sum or sums of money for the support of public schools as they may deem expedient and necessary; and all moneys so raised and appropriated, shall be expended by the said board for the support of public schools in the city of Rahway, according to the provisions of this act.

School houses.

5. *And be it enacted*, That the said board shall take charge of the public school houses in the city of Rahway, and shall cause all necessary repairs to be made to the same, and are also empowered to establish public schools of different grades adapted to the age and progress of the pupils, including evening schools for apprentices, minors and adult persons, to select and employ teachers, to provide school books, school furniture and school libraries for the schools, to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the said school as may be necessary, and 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 common council of the city of Rahway are empowered to purchase real estate for school purposes, and to erect school houses thereon for the use of the public schools, and the real estate so purchased as aforesaid shall be vested in the city of Rahway; *provided nevertheless*, that the said board shall at no time make nor incur any expenditure exceeding the amount appropriated by the common council of said city for school purposes, and that all moneys so appropriated shall be expended by the said board in compliance with the laws of this state.

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Report to be made.

6. *And be it enacted*, That 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 of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, and shall transmit the said annual report to the common council, and a copy thereof to the state superintendent of common schools; and the said board shall also notify the said common council of any vacancy which may occur in the office of commissioner of public schools in said city, and shall give such other information to the common council in relation to the public

schools, or their own proceedings or acts, as the common council shall by resolution require.

7. *And be it enacted*, That the said board shall have power ^{Superintendent of schools.} to appoint from time to time a city superintendent of public schools of the city of Rahway, and such other officers or agents as they may deem necessary, for the proper maintenance of the public schools of said city, prescribe their duties and fix their compensation, which appointments shall continue during the pleasure of the board, and no longer, but the services of the said board shall be gratuitous.

8. *And be it enacted*, That whenever and as often as the ^{Duty of Treasurer.} common council of the city of Rahway shall by resolution direct the treasurer of said city to credit the said board of education with a sum or sums of money for the support of public schools in said city, it shall be the duty of the treasurer of the city of Rahway, immediately after the receipt of a copy of such resolution, duly certified by the city clerk, to enter on his books the sum or sums of money therein mentioned to the credit of the "board of education of the city of Rahway," under the respective heads to which the same may be appropriated; and the treasurer of said city shall pay on presentation all debts drawn upon him by order of the said board, duly attested by the signatures of the president and secretary of said board, which drafts shall specify from which appropriation the same is to be paid, to an amount not exceeding the balance remaining on his books to the credit of the respective appropriations, and shall preserve such drafts as vouchers to be exhibited in the settlement of his accounts as treasurer of the city of Rahway.

9. *And be it enacted*, That all suits or proceedings brought ^{Damages for injury to property.} or to be brought in any court of law or equity, against any person or persons, or body corporate, for damages, for and on account of any injury to any school house or to any out buildings, fences, trees, or other improvements thereunto belonging, or to any school furniture or school books, in any school house under the charge of the said board, shall be in the name of "the treasurer of the city of Rahway;" and all damages

which may be recovered in such actions or proceedings, shall be paid into the city treasury, and shall be appropriated by the common council for the support of public schools in said city.

Lists of children to be made, and money to be apportioned.

10. *And be it enacted*, That it shall be the duty of the assessor of the city of Rahway, and he is hereby authorized and required to make out a list of the children capable of attending school between the ages of five and eighteen years, within each of the wards of said city respectively, specifying the age of each child in years, together with the names of the parents or guardians of such children, and to transmit the same, under a proper certificate, on or before the first day of August annually, to the secretary of the board of education of the city of Rahway; and the number of children in said lists shall be duly certified by the said board, to the board of chosen freeholders of the county of Union, at their annual meeting next succeeding the return of said lists as aforesaid, and the quota of the city of Rahway, in the apportionment of the moneys appropriated by law to public schools in this state, shall be determined by the said board, in the ratio of the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted to said board, according to the provisions of an act entitled "An act to establish public schools" and the supplements thereto, and the sum of one dollar for every one hundred names of children contained in said lists, respectively, shall be allowed to the assessor, for making and transmitting the same, to be paid by the board of education of the city of Rahway.

Quota of School money to Rahway.

11. *And be it enacted*, That the city of Rahway shall be entitled to its just quota of the annual appropriation made by the state 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 for the support of public schools in said city, according to the provisions of this act.

Repealer.

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

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

Approved March 8, 1861.

CHAPTER LXXVIII.

A supplement to an act entitled "A supplement to an act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{How road money to be expended.} *the State of New Jersey*, That the overseers of the highways of the second assembly district, in the county of Camden, shall expend the moneys raised for road purposes in said district under the direction of the township committee, in the township where such money shall be raised, as to the place and amount of such expenditure, and to account for the same, to the said township committee, and said townships shall not be liable for money spent, except under the direction of said township committee.

2. *And be it enacted*, That it shall be the duty of the township committees in the townships of said assembly district, at their annual meetings, to account for the expenditure of moneys raised for road purposes, and the overseers of the highways shall be released from all liabilities under the act to which this is a supplement, and the said township committees shall be subject to the same penalties now required of said overseers. ^{Money, how accounted for,}

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

Approved March 8, 1861.

CHAPTER LXXIX.

AN ACT to incorporate the Military Hall Association, of Sergeantsville, in the county of Hunterdon.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Jackson, Charles B. Everett, J. M. Dilts, Charles Sheppard, John C. Sine, William Lawshe, George H. Larrison, I. S. Cramer, John T. Sergeant, and their associates and successors, shall be and they are hereby constituted a body politic and corporate by the name of the Sergeantsville Military Hall Association.

Powers and duties.

2. *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 judge proper for the designation of the officers of the said 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 said association; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state or the United States.

Proviso.

May hold real estate.

3. *Ad be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as shall be necessary to promote the objects of the said association; *provided*, that such real estate shall at no time exceed in value the sum of two thousand dollars; and whenever they see fit the said corporation may sell, mortgage, lease, and otherwise dispose of the same at pleasure.

Proviso.

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

Approved March 8, 1861.

CHAPTER LXXX.

AN ACT to indemnify certain Justices of the Supreme Court for additional services rendered.

WHEREAS, the labors of the justices of the supreme court ^{Preamble.} assigned to five of the seven judicial districts in the state were much increased by their performance of the duties of the chief justice during the late vacancy in that office, for which additional services it is proper that they should receive reasonable compensation—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Payment authorized.} *the State of New Jersey,* That the state treasurer be and he hereby is authorized and directed to pay unto each of those associate justices one-fifth part of the salary which would have become payable according to law to a chief justice, during the time that the office was vacant.

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

Approved March 8, 1861.

CHAPTER LXXXI.

A supplement to the act entitled "An act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, eighteen hundred and sixty.

Camden county excepted.

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 shall not apply to the county of Camden, and so much of said act as makes it applicable to the county of Camden be and the same is hereby repealed.

Repealer.

2. *And be it enacted*, That all acts and parts of acts that may come in conflict with this supplement, be and they are hereby repealed, so far as the several townships of the county of Camden is concerned.

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

Approved March 8, 1861.

CHAPTER LXXXII.

A supplement to an act entitled "An act to incorporate Jersey City," approved March, eighteen hundred and fifty-one.

Relating to the opening and vacation of certain streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the common council of Jersey City shall see fit to open Montgomery street from the west side of Warren street to the line of the east side of Van

Vorst street, it shall be lawful for them to vacate Gregory street from the line of the east side of Van Vorst street to the line of the north side of York street, in the same manner and subject to the same principle as set forth in the fifty-fifth section of the said charter providing for the opening, altering and widening any street, so far as the same may be applicable; and further, that the land and real estate in block forty-five, as laid down on a map entitled "Map of Jersey City, Hudson county, New Jersey," by A. Clerk and R. C. Bacot, city surveyors, eighteen hundred and forty-eight, shall be assessed for the opening of said Montgomery street after the vacating of said portion of Gregory street, in the same manner as any other lands benefitted by the opening of that part of said street.

Approved March 8, 1861.

CHAPTER LXXXIII.

AN ACT to incorporate the Bergen and Rockland County Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey*, That David I. Demarest, John C. Westervelt, Garret S. Demarest, Richard Hopper, John A. Lozier, Isaac D. Demarest, George T. Brickell, Henry G. Herring, and George B. Brown, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate, by the

name of the Bergen and Rockland County Railroad Company.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be four 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 by their by-laws shall direct.

Books of subscription to be opened.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, giving notice thereof for at least twenty days prior to the opening of said books, by publishing the same in a newspaper published in the county of Bergen, if one be published at the time in said county, otherwise to be published in some newspaper published at Paterson, in the county of Passaic; and that the said books shall be kept open for at least two days in the neighborhood of Pascack, and two days in Scraalenburgh, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more than four hundred thousand dollars of stock be subscribed for, it shall be the duty of said commissioners to make a fair and just apportionment of the stock among the subscribers, in such manner as they may think best calculated to secure the speedy construction of said road.

Election of directors.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for to said commissioners; and when one hundred and fifty thousand dollars of the capital stock shall be subscribed for, the books having been kept open as specified in the preceding section, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose nine directors, a majority of whom shall be residents in this state; the election shall be in the county of Bergen aforesaid, through which the said road is to be located, by such of the stockholders as shall attend for that pur-

pose, 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 said election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected, and deliver over to them the subscription books and money paid in, after deducting a reasonable compensation for their services; 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, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, 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 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 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.

5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time, on notice as aforesaid, and the directors for the time being shall continue in office until others be elected in their places. In case of failure to elect. &c.

6. *And be it enacted*, That five directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by installments, not to exceed five dollars on each share, by giving thirty days' previous notice in a newspaper pub- May call in installments.

Proviso.

lished in the county of Bergen, or at Paterson, in the county of Passaic; *provided*, that no two installments shall be demanded within thirty days of 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.

Location of road.

7. *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 railroad from some point in the county of Bergen, on the line of the state of New York westerly of the Hackensack river and easterly of the Saddle River Brook, through said county of Bergen, either to or near the town of Hackensack, or some point on the Northern Railroad of New Jersey at or near Van Brunt's station, in said county of Bergen; and to locate and form said road not exceeding sixty-six feet in width, unless it be necessary for the purpose of constructing said road to take more, and then not more than one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and said company are invested with all powers necessary or convenient to survey, locate, lay out, construct and maintain said road; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and other persons in their employ, to enter at all times upon lands and waters for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, doing no unnecessary damage to private 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 company, by its officers, 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 and repairs of said railroad, and to carry into full effect the objects of this act, subject to such compensation, and

upon such terms, as are hereinafter provided for in section eight.

8. *And be it enacted*, That if the said company, or its agent Proceedings in case company and owners cannot agree. or 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, a particular description of the lands 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 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, 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 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 of the county, commissioners to examine and appraise the said lands and assess the damages sustained by the owner thereof by reason of taking the same, upon such notice, not less than twenty days, to be given to the persons interested, or to be published as aforesaid, as shall be directed by the judge making the appointment of 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 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 said lands, said commissioners at the same time taking into consideration all the benefits to be derived from or in conse-

quence of the said railroad to said owner or owners, and to make a just and equitable appraisement or estimate of the value of the said lands, and an assessment of damages, which shall be paid by the company for such land 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 land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, 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, and a copy thereof, certified by the clerk of said county, the damages found or assessed, with the costs 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 land; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice, 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
when either
party appeal.

9. *And be it enacted*, That in case the said company or owner or owners of the said land 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, 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 proceeding shall vest in the said circuit court, or in any justice thereof, 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 said land and 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 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; 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 or into the court of common pleas, to the clerk thereof, in said county; and from the owner or owners of land not in controversy, they shall obtain consent in writing before they enter upon or break ground on the premises, except for surveying and laying out said road; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof, receive the same without being thereby debarred from the appeal hereby provided for.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public road or other road, now in use or hereafter laid out, 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 other lands of any individual, to provide and keep in repair suitable and convenient wagon-ways over or under the same; and where this railroad crosses any other railroad now con-

Relating to
crossing road
or rivers.

structed, it shall be the duty of the company hereby incorporated to cause crossings to be made, so as to do the least injury possible to the old road; and said company may build bridges over all navigable streams within the line of their road, and in each bridge they build at points where said streams or rivers are navigable, they shall put a draw of at least forty-five feet wide in the narrowest part, and place it in line with the course of the river, creek or stream, over the best channel thereof, in such position as to do the least injury to navigation, and shall at all times when navigable, during the night, from dark until daylight, keep a constant light at such bridge or bridges, and keep a suitable person at each of said bridges to open the draw for the free passage of all vessels with standing masts; and for each and every neglect to keep such light and to open the said draw when necessary, the said company shall forfeit and pay the sum of fifty dollars, to be recovered, with costs, in any court having jurisdiction thereof, in an action of debt, by any person who shall sue for the same within six months after the time of such neglect.

Rates of toll.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, and place and run on said railroad all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons or any species of property as they may think reasonable, expedient or right; 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; *provided*, that they shall not charge more than three cents per mile for each passenger, and six cents per ton per mile for the transportation of every species of heavy merchandize and produce on said road, 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 five cents per mile for every ton, two cents per mile for every passenger carried on said road in the

Proviso.

carriages of others, and three cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon the 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 rates of traveling, by the company, in the same manner as the carriages of the company are; and the said railroad 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 vested 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 road is complete, 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 railroad is located, shall be reverted 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 is composed shall in such case be deemed and taken to be 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.

12. *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 dividend of the net profits thereof (if any) among the stockholders, as they may deem prudent, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders or their legal representatives in proportion to the amount of stock held by them respectively.

May hold real
estate.

13. *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 each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for in-
jury to road.

14. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road or any buildings, machinery, 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.

Statement to
be made and
tax paid.

15. *And be it enacted*, That as soon as the said railroad is finished so as to be used, the president of the said company shall file, under oath or affirmation, an annual statement of the amount of cost of the said railroad, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and the treasurer of said company shall make a statement to the legislature, under oath or affirmation, of the number of passengers and the number of tons of merchandise transported on said road; and that whenever the net proceeds of the said road shall amount to six per centum per annum upon its cost, the said company shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Appraisement
of road.

16. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of said rail-

road and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature, within one year from their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the three persons on their part, for two months after the appointment by the chief justice, then the three persons so appointed by him shall proceed to make such appointment, which shall be binding upon said company; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh person, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, who, with the aforesaid six, or a majority of them, shall report as aforesaid; and thereupon the state shall have the privilege for two years of taking said road, upon payment to the company of the amount of said appraisement within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road and the appendages thereof shall be vested in the state of New Jersey upon the payment to the said company of the amount so reported; *provided*, that the valuation of ^{Proviso,} said road and appendages shall in no case exceed the first cost thereof.

17. *And be it enacted*, That if the said road shall not be ^{Limitation.} commenced on or before the fourth day of July, eighteen hundred and sixty-five, and completed on the fourth day of July, eighteen hundred and sixty-nine, that then and in that case this act shall be void.

18. *And be it enacted*, That the governor, the chancellor, ^{Who may ride free.} the judges of the supreme court and court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other sessions, may

pass and repass upon said railroad, in the cars of the company, free of charge.

Bonds may be issued.

19. *And be it enacted*, That the directors of said company may issue bonds, in such form and for such sums respectively as they shall deem expedient, to an amount not exceeding in the aggregate two hundred thousand dollars, bearing interest at the rate of seven per centum per annum, and redeemable in twenty years from date, which bonds shall constitute a first lien on the roadway, fixtures and other property of the said company, and the proceeds of the sale of said bonds shall be applied towards the expense of constructing and furnishing the railroad authorized by this act.

May extend road into New York.

20. *And be it enacted*, That it shall and may be lawful for the said company to extend the line or track of their railroad from the northern termination of the hereinbefore expressed road, in the county of Bergen, on the line of the state of New York, as fixed by the foregoing act, into the county of Rockland, in the said state of New York, to a point or place at Nanuet, on the New York and Erie railroad; and said company is hereby authorized to construct that portion of their road within the limits of the state of New York in the same manner as they are authorized to construct their road in New Jersey; *provided*, the state of New York grants to the said company the right to so extend their road.

Proviso.

Approved March 8, 1861.

CHAPTER LXXXIV.

A further supplement to the 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," approved March twentieth, eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of "the Newark Aqueduct Board," as soon as practicable, to devise a plan commensurate with the present and future wants of the city, for supplying the city of Newark with pure and wholesome water for all purposes, by enlarging, extending and increasing the works already erected for that purpose, or by erecting new works, or both, and to report the same to the common council of said city, together with full and detailed estimates of the moneys necessary to carry said plan into full and complete operation; and the clerk of the said common council shall thereupon immediately cause the said plan, estimates and report to be published in two or more daily newspapers printed and published in the city of Newark for the space of two weeks.

2. *And be it enacted*, That at the expiration of the said two weeks, the said common council shall proceed either to consider the said plan and approve or reject the same, or to order a special election by ballot to be held in the several wards of said city, on a day to be designated by them, not more than two months from the time of the reception by them of the said report of said board, for the purpose of ascertaining the sense of the people in relation to said plan for supplying said city with water; the said election shall be conducted and held under the same rules and regulations in all respects except as is otherwise herein provided, and the result thereof shall be

determined by the common council in the same manner as are provided by law to govern the annual charter election in the city of Newark; the ballots to be voted shall respectively contain the words "For Water Works" or the words "Against Water Works," and within ten days after the statement and final declaration of the common council as to the result of said election shall be certified and filed according to law, the city clerk shall furnish a certified copy of the same to the Newark Aqueduct Board.

Bonds may be
issued.

3. *And be it enacted*, That if the said common council shall approve the said plan, as aforesaid, or in case an election is held, if it shall appear by the said statement and final declaration that a majority of the votes cast at said special election shall be "For Water Works," the said "the Newark Aqueduct Board," shall be fully authorized from the day of said approval as aforesaid, or of said determination, to enter upon the prosecution of said work, and for that purpose shall have authority to issue, in the name and under the seal of "the Mayor and Common Council of the city of Newark" bonds, to be denominated on their face "Newark City Water Bonds," in addition to those now authorized by law, to an amount not exceeding six hundred and fifty thousand dollars, and also in addition thereto, a sufficient amount of bonds as aforesaid to meet and pay the interest accruing upon the bonds issued by them by virtue of this act; *provided*, that no bonds shall be issued for the payment of interest aforesaid, after the expiration of one year from the time that the works are so completed as to furnish five million gallons of water per day; such bonds shall bear a rate of interest not exceeding seven per cent. per annum, and shall be redeemable at any time not exceeding fifty years from their date, in the discretion of the board, and shall be issued in the same manner and under the same rules and regulations, and with the same liability for the payment of the same on the part of the city of Newark, as are prescribed in the act to which this is a further supplement and the supplement thereto, approved January twenty-ninth, eighteen hundred and sixty.

Proviso.

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

Approved March 8, 1861.

CHAPTER LXXXV.

AN ACT to extend 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," to the townships of Harrison, Woolwich and Deptford, in the county of Gloucester, and the township of Pilesgrove, in the county of Salem.

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 Harrison, Woolwich and Deptford, in the county of Gloucester, and the township of Pilesgrove, in the county of Salem.

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

Approved March 8, 1861.

CHAPTER LXXXVI.

AN ACT to incorporate Seton Hall College.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Roosevelt Bayley, Patrick Moran, Bernard J. McQuaid, John P. Mackin, Michael Madden, Henry James Anderson, Orestes A. Brownson, Edward Thebawd, junior, Daniel Coghlan, William Dunn, Dominick Eggert, Michael J. Ledwith, and John B. Richmond, and their successors, being members of the Roman Catholic Church, shall be and they are hereby constituted a body politic and corporate, by the name of "Seton Hall College," 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 law of this state.

Object.

2. *And be it enacted*, That the object of said association is hereby declared to be the advancement of education.

Powers, &c., of trustees.

3. *And be it enacted*, That the entire management of the affairs and concerns of the said corporation, and all the corporate powers hereby granted, shall be and hereby are vested in a board of thirteen trustees, a majority of whom shall always be citizens and inhabitants of this state, and a majority of the trustees shall constitute the necessary quorum for the transaction of all business matters connected with the said institution; the persons named in the first section to be the first trustees; the Roman Catholic Bishop of Newark, for the time being, to be also a trustee ex-officio, and the president of the board.

4. *And be it enacted*, That the trustees shall hold their first meeting at the call of the trustee first named, and 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 the said corporation or college, 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; and special meetings of said trustees may be called by the president or any six or more of said trustees, upon ten days' notice in writing of the time and place thereof being given or sent to each of said trustees. ^{Of by-laws and meetings.}

5. *And be it enacted*, That for the purpose of carrying out the object declared in the second section 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*, the value thereof shall not exceed the sum of one hundred thousand dollars. ^{May hold real estate.}

6. *And be it enacted*, That the said corporation shall have and possess the right and power of conferring the usual academic and other degrees granted by any other college in this state. ^{May confer degrees.}

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

Approved March 8, 1861.

CHAPTER LXXXVII.

AN ACT authorizing the Bishop of the Protestant Episcopal Church within this state, to register certain acts on the register of Saint Mary's Parish, in the city of Burlington.

Certain acts
may be re-
corded.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That hereafter all baptisms and marriages, or any other official or ministerial acts, which have been or may be solemnized by the Bishop of the Protestant Episcopal Church within this state, having the city of Burlington under his jurisdiction, may be entered by him on the register of Saint Mary's Parish, Burlington; and the same, when entered on the said register, shall have the like legal effect and operation as if the said marriage or baptism had been solemnized by the clergyman having charge of the said church, and been by him entered on the register thereof; and the said church may also be the place of deposit for any papers and documents connected with his office.

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

Approved, March 8, 1861.

CHAPTER LXXXVIII.

AN ACT to incorporate the Morristown Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey*, That George T. Cobb, William C. Baker, William N. Wood, Ebenezer B. Woodruff, Henry Van Arsdale, Alexander Robertson, William Whitney, Lewis Phoenix, Thomas B. Flagler, and Augustus W. Cutler, of Morristown; Francis S. Lathrop, of Madison; William G. Lathrop, of Boonton; Ephraim Lindsley, of Dover, and Daniel Budd, of Chester, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "the Morristown Savings Institution," and by that name they shall have perpetual succession, and shall be persons 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, with power to change and alter the same from time to time; 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 above recited, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *pro-* ^{Proviso.} *vided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments or upon the sale of any investments in which the deposits may be made shall not exceed the sum of ten thousand dollars.

2. *And be it enacted*, That the institution shall be con- ^{Powers of directors.} ducted by fourteen managers, seven of whom shall be residents of Morristown, and a majority of the managers shall

be a quorum to do business; the persons named in the first section of this act shall be the first managers of the institution; and the managers shall hereafter meet annually on the second Monday in May, and choose one of their number as president; and they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary; which officers, so chosen and appointed, shall continue in office one year and until others are chosen; and all officers so chosen shall be under oath for the faithful performance of the duties of their office respectively; and such officers shall have power to appoint a clerk or clerks, and such agents or servants as they may deem necessary for conducting the affairs of the corporation, and to remove them at pleasure and to appoint others in their stead, and to fix their salaries.

By-laws, &c.

3. *And be it enacted*, That the said 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 functions and the mode of discharging the same, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States; 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 transacted, but shall not be altered so as to affect any one who may have been a depositor previous to such alteration.

Proviso.

May receive deposits.

4. *And be it enacted*, That the said corporation may receive as deposits all sums of money which may be offered for the purpose of being invested, in such sums, and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to such 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 corporation may accept and execute all such trusts, of every description, as may be committed to

said corporation by any person or persons whatsoever, by will or otherwise, or transferred to the same by 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*, the said rates of interest may, at the discretion of the managers, be so regulated that the interest allowed to depositors having one thousand dollars or more deposited, shall be at least one per centum less than the interest allowed to other depositors, and so that no interest or dividend on account of said surplus fund shall be allowed for moneys which shall have been withdrawn from deposit.

6. *And be it enacted*, That no manager, officer or agent of the incorporation shall be allowed, directly or indirectly, to borrow any money or moneys from the said institution, or to use the same except to pay necessary expenses; nor shall they have or hold any bonds, mortgages or other securities for the payment of money drawn or endorsed by or existing against any manager, officer or agent of the institution; and no manager or officer shall have any interest in any of the deposits or the profits arising from the same, except it may be due for deposits made by them, as trustees, for the benefit of others.

7. *And be it enacted*, That the said corporation shall invest no money in any other public bonds than such as are created under the laws of the United States, the state of New York, or of this state, or in the stocks of the city of Newark, in this state, and of the cities of New York and Brooklyn, in the state of New York, authorized by the laws of said states respectively, nor on bonds and mortgages, except on unencumbered real estate worth at least double the amount of the sum invested; and in all investments of money, may, and are hereby authorized, to invest at seven per cent. interest per annum.

Certificates of deposits.

8. *And be it enacted*, That all certificates or evidence of deposit made under the hand of the proper officer of the corporation, shall be as binding as if the same were under their common seal.

May pay deposits to minors.

9. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor being a minor, such sums as may be due to such depositor, not exceeding five hundred dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt or 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 personally made by such depositor, and not by any other person, for his or her benefit.

Proviso.

Depositors may authorize others to receive money.

10. *And be it enacted*, That a book shall be kept at the office of the corporation, in which every depositor shall be at liberty to appoint some 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 such persons so appointed, shall be a full discharge to said corporation; and should no such appointment be made, such deposit, on the decease of the depositor, shall be paid to his or her legal representatives.

Small deposits

11. *And be it enacted*, That the corporation shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on any deposit until it amounts to the sum of five dollars, nor to pay interest on the fractional part of five dollars; and, to avoid the calculation of days on small sums, they shall not be required to allow interest for the fractional parts of a month.

Depositors to receive duplicate.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation; 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.

Vacancies.

13. *And be it enacted*, That the managers shall have power to fill up by ballot, after notice of one month, any vacancy

which may occur in their own body or officers, two-thirds of the number present to agree to all removals and new appointments; and no appointment or removal to take place when a less number than two-thirds of the managers are present.

14. *And be it enacted*, That it shall be the duty of this in-^{Annual report.} corporation to make an annual report to the legislature of this state, under the oath or affirmation of its president, secretary and treasurer, or any two of them, of the state of its funds, which statement shall be published in one or more newspapers in Morristown.

15. *And be it enacted*, That the office or place of business^{Place of business.} of the said incorporation shall be at Morristown, and that the books of the said incorporation shall be at all times open to such person or persons as the legislature may from time to time delegate, for inspection and examination.

16. *And be it enacted*, That this act shall be construed in^{Act how to be construed.} all courts favorably and benignly for every beneficial purpose therein intended; and that no misnomer of the said corporation in any deed, gift, grant or demise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to as-^{Proviso} certain the intention of the parties; *provided also*, the legis-^{Proviso.} lature may at any time hereafter amend, alter or repeal this act.

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

Approved March 8, 1861.

CHAPTER LXXXIX.

AN ACT to authorize the City Council of the city of Elizabeth to borrow eight thousand dollars for the purpose of building engine houses.

May borrow
eight thou-
sand dollars.

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 city council of the city of Elizabeth to borrow the sum of eight thousand dollars, in addition to the loans now authorized by the charter of said city, for the purpose of building engine houses in said city.

May issue
bonds.

2. *And be it enacted*, That the said city council may issue the bonds of the said city to secure the payment of the said loan of eight thousand dollars, with interest at the rate of seven per centum per annum; and the money arising thereon shall be applied by the said city council in erecting, completing and furnishing engine houses; *provided however*, that the interest, and at least one thousand dollars of the principal, shall be paid on the said loan yearly, from the moneys appropriated by the city council for the fire department in said city, so that the whole of the principal and interest of said loan shall be paid off in eight years.

Proviso.

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

Approved March 8, 1861.

CHAPTER XC.

AN ACT to incorporate the town of Phillipsburgh, in the township of Phillipsburgh, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundary.} *the State of New Jersey*, That all that part of the township of Phillipsburgh contained within the following limits, viz: beginning at a point in the middle of the river Delaware, south-west of a birch tree standing at the mouth of Lopatcong Creek, on lands of Burrows Riley, opposite said Riley's saw mill; running thence, in a northerly course, over lands of said Riley to the New Jersey turnpike; and thence, still in the same course, on lands of Jacob Able, to a stake in a bunch of cedars on lands of said Able, on the brow of the hill; thence, in a westerly direction, over lands of said Able and others, to an apple tree situate on lands of John P. Anderson; and thence, still in the same course, over lands of said Anderson, Charles Davis and Joseph Roseberry, to a hickory tree on lands of said Roseberry, standing near a lime stone quarry, and also near line of lands of John C. Bennett and William R. Beers; and from thence, over lands of said Bennett and Beers and Joseph Howell, to a stump of a cedar sapling, marked, standing on the brow of the hill; and from thence, still in the same course, to the middle of the river Delaware, west of a beach tree, marked, standing on the bank of said river, on lands of Joseph Howell; and from thence, down the middle of the river Delaware, to the place of beginning, shall be and hereby is erected into a borough or town corporate, which shall be called and known by the name of "the town of Phillipsburgh," and the inhabitants thereof shall be and hereby are incorporated by the name of "the inhabitants of the town of Phillipsburgh," 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 all manner of actions, suits, complaints, matters and causes whatsoever, 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 public use of said corporation.

Privileges, &c.

2. *And be it enacted*, That the said corporation, in addition to the rights, privileges and immunities granted, and the duties and obligations imposed by this act, shall be entitled to all the rights, privileges and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Town meetings.

3. *And be it enacted*, That the inhabitants of the town of Phillipsburgh qualified by law to vote at town meetings, shall hold a town meeting at Union Square Hotel, in Phillipsburgh, on the second Monday of April next, at ten o'clock in the forenoon, and on the second Monday of April in every year thereafter, at the same hour, and at such place in said town as the electors thereof at their annual town meetings shall from time to time direct and appoint; which meeting, and such other town meetings as may from time to time be convened, shall be organized and conducted in the same manner as such meetings in the townships, and the officers thereof shall possess the same powers and be subject to the same duties and restrictions, unless where otherwise provided by this act.

Officers to be elected.

4. *And be it enacted*, That at such annual town meetings the citizens of said town qualified to vote as aforesaid shall elect by ballot the following officers, all of whom shall be residents in said town, viz: one mayor, and six common councilmen, who shall be freeholders of said town, all of whom shall hold their respective offices one year, and until

others are chosen and legally qualified in their stead; one assessor, and one collector, who shall be inspectors of the elections; one clerk, one judge of election, one town superintendent of public schools, one chosen freeholder, two surveyors of the highways, one or more constables, one or more overseers of the poor, as many overseers of the highways and pound keepers as the inhabitants of the town shall deem necessary, and as many justices of the peace as the inhabitants of the town may be entitled to elect, all of whom shall take the same oath or affirmation, give the same securities for the performance of their respective duties, hold office for the same time, and in all respects have the same powers, privileges, rights and jurisdiction, perform the same duties, and be subject to the same restrictions, liabilities and penalties as the like officers elected by any township in this state, unless where otherwise directed or provided by this act; but in all cases where the word "township" occurs in the form of any oath or affirmation, bond or obligation, or in any other form prescribed by law, the word "town" shall be substituted.

5. *And be it enacted*, That the first election of town officers shall be held by the person chosen by the voters present to preside at or superintend the town meeting, and two inspectors of election, who, together with a clerk, to be chosen for such meeting, shall be chosen in the same manner, and all subsequent elections by the judge of elections, and the assessor and collector, who shall be inspectors of the election of said town, a majority of whom shall determine all questions respecting the right of voting at such elections; and the name of each person voting shall be recorded by the town clerk in a poll list kept for that purpose; each voter shall give a single ballot, designating the names of the persons for whom he votes, for each office respectively; the polls shall be kept open until four o'clock in the afternoon, and when the polls are closed the votes shall be counted, and the number received by each person for each office certified by the judge and inspectors, or a majority of them, and the several

Elections, how regulated.

persons having a plurality of votes for each office respectively shall be declared to be elected, and the said board of election shall in all things conform to the laws of this state regulating elections.

How vacancies to be supplied.

6. *And be it enacted*, That if the inhabitants of said town fail or neglect, at their annual town meeting, to choose any of the officers required to be chosen, or if any of the officers chosen shall die, remove out of the town, refuse to serve, or become incapable of serving, the vacancies may be supplied by elections held in the manner directed in the preceding section, at town meetings to be called for the purpose, in the same manner as in the townships; and in case of the neglect of the electors for fifteen days after such failure or omission to choose, or after the death, removal, refusal, or inability of any such officers, justices of the peace excepted, the common council shall, by writing, under their hands and seals, appoint suitable persons to fill such vacancies; and the person so elected or chosen to fill vacancies shall, during the remainder of the term of said offices, possess the same powers and privileges and be subject to the same laws, rules and regulations as such officers elected at the annual town meetings.

Duties of the mayor and council.

7. *And be it enacted*, That the mayor and common council shall constitute the common council of said town, and the said common council shall meet at such times and places as the inhabitants of the town, at their annual town meetings, may designate, or the said common council may by their by-laws appoint; and special meetings of the common council may be called by the mayor, or by any three members, by giving such notice as the by-laws may require; at the meetings of the common council the mayor shall preside, but in his absence the other members may appoint any one of their number chairman pro tempore; four members shall constitute a quorum to do business, and each member present shall be entitled to a vote; the said common council and its members, collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon the township committees, and the commissioners of ap-

peal in cases of taxation of the township, and the members of each collectively and individually; and when performing the duties which belong to the said township committees or commissioners of appeal in cases of taxation, shall receive the compensation allowed by law for the performance of such duties, but shall not be allowed compensation in more than one character for any day's service; and they shall be entitled to no pay for their services as members of the common council, except for such services as they would be entitled to as if they were serving as a township committee.

8. *And be it enacted*, That it shall be lawful for the said common council, by not less than four concurring votes, to pass and enforce all such by-laws and ordinances as they shall judge proper, for regulating, cleaning and keeping in repair the streets, sidewalks, highways, and public alleys in said town, preventing and removing all obstructions and encroachments in and upon the same, preventing immoderate riding or driving through the streets, and riding or driving on the sidewalks, for regulating and preventing the running at large of cattle, horses, sheep, goats, swine and geese; for preventing, abating and removing nuisances; for imposing a tax on the owners or possessors of dogs and bitches, for lighting the streets, for preventing and restraining riots, routs, disturbances, disorderly assemblages, noisy, disorderly or indecent conduct and drunkenness; for suppressing disorderly or gambling houses and grogeries, and for suppressing vice and immorality; for graveling and paving streets and sidewalks, for protecting shade and ornamental trees on the streets, highways and public grounds; for protecting public property and property belonging to the corporation; for providing a supply of water, and preventing and suppressing fires; for regulating and prescribing the duties of fire engines and firemen, which engineers and firemen shall be exempt from serving as jurors in the courts for the trial of small causes, and in the militia in the time of peace; and after serving ten years successively as firemen shall be exempt from such duty as such, and also remain exempt from serving as jurors

Powers of the
common coun-
cil.

in said courts, and in the militia in the time of peace; for compelling the cleaning of chimnies; for regulating or preventing the carrying on of dangerous or noxious manufacturies; for appointing watchmen, and prescribing their powers and duties, and regulating the police of the town; for establishing and regulating the public pounds; for restraining vagrants, mendicants, and street beggars; for establishing and regulating public markets, and such other by-laws and ordinances for the peace and good order of said town, as they may deem expedient, not repugnant to the constitution and laws of this state or of the United States; and to enforce the observance of all such by-laws and ordinances by exacting penalties for the violation thereof, either by imprisonment not exceeding seven days, or by fine not exceeding fifty dollars, recoverable with costs, in an action of debt, in the name of the treasurer of the town of Phillipsburgh, for the use of the inhabitants of the town of Phillipsburgh, without specifying the individual name of the treasurer for the time being, before any justice of the peace residing in said town, or in the townships of Phillipsburgh or Greenwich, in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and further, the said mayor and the justices of the peace in said town are hereby constituted and declared to be conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of imprisonment for violations of the laws and ordinances, passed as aforesaid, by warrant, under his hand and seal, directed to the keeper of the Warren county jail, or keeper of the town prison of said town, who is hereby authorized and required to receive and safely keep the person so committed, but the costs and expenses of committing and keeping such person shall be paid by said corporation; and every person thinking himself aggrieved by the decision of such mayor or justice of the peace, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and do therein what to them shall appear just and reasonable; *provided always*, that each and every

Proviso.

by-law and ordinance so passed as aforesaid, shall be published for the space of twenty days in at least one newspaper circulating in said town, or posted up in three of the most public places in said town, before such by-law or ordinance shall go into effect; *and provided also*, that no such ordinance ^{Proviso.} or by-law shall be enacted or passed unless the same shall have been introduced before the common council at a previous meeting.

9. *And be it enacted*, That the common council of said ^{Town prison.} town shall have power and authority to build and maintain a town prison, to be properly and securely made for the detention and imprisonment of any person or persons who shall be arrested or committed for any breach 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; and every warrant or process of commitment shall specify on its face whether the person committed shall be confined in such town prison or in the jail of the county of Warren.

10. *And be it enacted*, That the common council of said ^{High constable.} town shall have power to appoint a high constable, and such assistants as they may judge proper, to hold their offices respectively during the pleasure of the common council, and to prescribe their duties, powers and compensation.

11. *And be it enacted*, That the mayor shall have all the powers and authority of a justice of the peace of the state of ^{Mayor shall have power as justice of the peace.} New Jersey under the laws of this state, within the corporate limits of the said town; and all writs, precepts and processes issued by him shall be directed to the high constable, or one of the constables of said town, who are hereby authorized and required to serve the same; *provided*, that nothing herein ^{Proviso.} contained shall be construed to authorize the mayor to exercise the powers and perform the duties of a justice of the peace; under the act entitled "An act constituting courts for the trial of small causes."

12. *And be it enacted*, That upon the trial of any issue, or ^{Of witnesses.} upon the judicial investigation of any fact in which said corporation is a party, or in which it is interested in any way,

no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said town.

Relating to
paving of
streets.

13. *And be it enacted*, That whenever a majority in number of the persons owning any block or side of a square, who are also owners of the greater part in extent and value of said block or side of a square, shall desire to have the side walk in front of the same paved, flagged, planked or graveled, or the majority in number who shall also be owners of more than one-half in value of any particular district or locality, shall desire to have any improvement which the common council are authorized to make, for the benefit of such particular locality or district, and shall make application in writing, under their hands, to the common council, the said common council may appoint three competent and disinterested citizens of the town to examine the side walk or other improvement, and assess the proportion of the expenses to be borne by each owner thereof in proportion to the benefit to each respectively; and if, after such assessment made, a majority in number of the owners of said property, who are also assessed for more than half the expenses, shall declare to the common council by writing, under their hands, that they desire such side walk or other improvement to be made, then said common council, or a majority of them, may cause the same to be made, and the expenses thereof, together with all necessary charges, to be assessed upon the owners of the property benefitted thereby in the proportion aforesaid; and the amount so assessed on each shall be a legal lien and incumbrance upon his or her property so benefitted until paid, and may be recovered, with costs, against such person or persons in any court of record having jurisdiction thereof, by action of debt; or the said common council, after giving at least one month's notice in writing to such person or persons, or if the owner be unknown or cannot be found, then, after giving at least one month's notice by advertisement in one of the newspapers published in the county of Warren, may sell the use of said property for a term of years, not exceeding

ten, to pay such assessment, together with the necessary costs, charges and expenses.

14. *And be it enacted*, That the common council of said town, or a majority of them in common council convened, shall have the sole, only and exclusive right and power of licensing or assessing every inn-keeper and tavern-keeper within said town, subject to the same provisions and in like manner as the same is or may be lawfully done by the courts of common pleas in this state, and shall have the sole and exclusive right and power of licensing menageries or collections of beasts, and other exhibitions which by law require a license, in the same manner as is now done by justices of the peace; and the said common council may pass ordinances prohibiting, regulating and licensing the exhibition of any interludes, farces or plays of any kind, or any games, tricks, juggling, sleight of hand, or feats of uncommon dexterity, or feats of body, any concert or lecture, and all such like shows and exhibitions, likewise all oyster shops or cellars, beer shops, ten-pin alleys and ball alleys; the price of assessment for any licenses granted by virtue of this section, shall be paid to the clerk of the town, who shall pay the same to the treasurer for the use of the town. ^{Of licenses.}

15. *And be it enacted*, That the mayor and common councilmen shall each, before entering upon the duties of his office, take and subscribe an oath or affirmation before one of the justices of the peace of the county of Warren, or other person duly authorized to administer an oath or affirmation by the laws of this state, faithfully and impartially to execute the duties of his office, which oath shall be filed and kept by the town clerk. ^{Oath of office to be taken.}

16. *And be it enacted*, That the common council shall choose annually a suitable person for treasurer, who shall serve until his successor is appointed and sworn into office, whose duty it shall be to demand and receive all moneys (except moneys for the support of public schools, erection of school houses, and purchase of lands for school purposes,) and other property belonging to, or due or owing in any way to the said corpora- ^{Of treasurer and his duties.}

tion, from the collectors and other officers or persons who may have collected or received, or may hold the same, and safely keep the same and all vouchers thereof, to pay out said moneys on the warrants of the common council, to account to the common council for the same, and at the expiration of his office to pay over and deliver to his successor all such moneys, property and vouchers thereof as may be in his hands; and, at least once in each year, to make out a full and true account of all moneys raised and received by tax or otherwise for the use of said corporation, and of the application and expenditure of the same, and deliver the said account to the town clerk at least ten days previous to the annual town meeting; and the said clerk shall file the same in his office, and cause a copy thereof to be published in one of the newspapers circulating in said town, or posted up in three of the most public places in said town; and the accounts of the treasurer shall at all times be subject to an examination by the common council, who, in case of default or violation of duty, may remove him from office and appoint another in his stead for the remainder of the year, and until his successor is appointed and sworn into office.

Treasurer to
give bond.

17. *And be it enacted*, That such treasurer whenever appointed, shall execute a bond to the inhabitants of the town of Phillipsburgh in such sum and with such securities as the common council shall approve, conditioned for the faithful performance of the duties of his office, and shall also take and subscribe an oath or affirmation before the mayor, or one of the justices of the peace of Warren county, faithfully to perform said duties, which oath shall be filed and kept by the town clerk.

Of the clerk
and his duties.

18. *And be it enacted*, That the clerk of said town, besides performing the duties required by law of the clerk of townships, unless otherwise directed by this act, shall also be the clerk of the common council, and shall keep an exact and true record of the votes and proceedings, and of all by-laws and ordinances passed by the said common council, which record shall, at all reasonable and proper times, be open to

the inspection of any inhabitant of said town; *provided*, that Proviso. in case of the absence of the clerk from any meeting of the common council, the members may appoint any one of their number clerk pro tempore, who shall, in like manner, keep an exact record of their proceedings and sign his name thereto.

19. *And be it enacted*, That it shall be lawful for the common council to pay unto the treasurer, clerk, and other officers and agents of the town, such compensation for their services as the said common council shall deem reasonable and proper. Salaries to officers.

20. *And be it enacted*, That it shall be lawful for the common council to order the raising, and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient to defray the expenses of carrying into effect the laws and ordinances from time to time enacted by said common council, and for defraying all other expenses authorized by said council; and it shall be lawful for said council to borrow money from time to time, in the corporate name of said town, for all purposes for which they are authorized by this act to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the town and the signature of the mayor; *provided*, that no loan shall be made without the concurrence of at least a majority of the common council, and there shall not be a greater sum than five hundred dollars raised by loan in any one year, and that the said town shall not owe over one thousand dollars at one time. Common council may levy tax.

21. *And be it enacted*, That the citizens of said town qualified to vote at town meetings, shall be and hereby are empowered at their annual town meetings, or at any other meeting duly held for the purpose, to vote, grant and raise such sum or sums of money for the purposes for which the townships in this state are authorized to vote, grant and raise the same, and for such other purposes as are in this act specified as the majority of them so assembled shall deem necessary and proper, which votes may be by ballot or otherwise, as such majority may from time to time determine; and the moneys so voted and granted shall, except as hereinafter mentioned, Proviso. Money may be voted at town meetings.

be assessed, levied and collected with the state and county taxes by the proper town officers, in the same manner and under like fees, fines and penalties as in the townships, and such fees, fines and penalties shall, when recovered, be paid to the treasurer of the town for the use of said town; *provided*, that all the taxes assessed and levied for town purposes, and by the common council, by virtue of the powers granted in the twentieth section, exclusive of school and purposes of education, shall not in any one year exceed two mills on the dollar of the assessed value of the property in the town, and that all sums voted, granted and raised for schools and purposes of education, one-half shall be assessed in the same manner as taxes for other town purposes, and the remaining half shall be assessed by an equal capitation tax upon all persons subject to a capitation tax in said town.

Proviso.

Of the school fund and its appropriation.

22. *And be it enacted*, That the said town shall be entitled to its just proportion of the school fund of this state, to be ascertained in the manner in which the quotas of the townships are or may be ascertained, which shall from time to time be paid over to the superintendent of public schools, and applied under the direction of the common council in the manner prescribed by law; the said town shall also be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of Phillipsburgh, in the county of Warren, are now subject, and be entitled to its just and equitable proportion of money and property now belonging to the inhabitants of the township of Phillipsburgh, which said debts and liabilities, and also said money and property, shall be divided between said town of Phillipsburgh and said township of Phillipsburgh, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment, within the respective limits of the said town and township, as established by this act; and any money or property to which the said town may be so entitled, shall be applied under the supervision of the common council, for the purpose and in the manner now authorized to be used by said township; and the said town shall also be

entitled to receive its just quota of the proceeds of the surplus revenue apportioned to the state of New Jersey, in the same manner as the several townships of Warren county.

23. *And be it enacted*, That the inhabitants of the town of Phillipsburgh be authorized and empowered to create school districts and purchase and hold lands and build school houses thereon, within the limits of said town, and to elect a superintendent and trustees of schools, and to raise money for the support of schools and erection of school houses, and to exercise all other powers in the establishment, regulation and support of schools within the said town, in the same manner and as fully as the several townships in this state now are or hereafter may be authorized to do by law.

24. *And be it enacted*, That all moneys ordered or directed to be raised for the support of public schools, erecting school houses, and purchase of lands for school buildings, shall be assessed at the same time state, county and other town taxes are or may be directed to be assessed, and such assessment shall be placed in the duplicate of the assessor of said town, separate and apart from the state, county or other town taxes, and shall, when collected by the collector or constable of said town, be paid over from time to time to the superintendent of public schools, and applied by him as directed by the common council of said town.

25. *And be it enacted*, That the town of Phillipsburgh shall constitute one election ward, and all elections hereafter held for officers of the county of Warren, of the state of New Jersey, and of the United States, shall be held within said town, at the place appointed by the inhabitants for the next annual town meeting, and every person resident in said town, entitled to vote at such election, shall give his vote in said town, and not elsewhere; at all elections the judge of elections, the two inspectors of elections, and the clerk, chosen as aforesaid, shall be respectively judge of elections, inspectors of elections, and clerk, and in case of the absence or incapacity of any of them to act, their places shall be supplied in the manner prescribed by law, and they and each of them,

or the persons appointed to act in their places, shall possess the same powers, perform the duties, and be subject to the provisions of the laws regulating such elections.

When act to
take effect.

26. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and be referred to as a public act in all courts and places, and by all persons; but the legislature may at any time hereafter modify, amend or repeal the same, whenever in their judgment such alteration, modification or repeal shall be required for the public good.

Approved March 8, 1861.

CHAPTER XCI.

AN ACT to authorize the Lehigh Water Company, of Easton, Pennsylvania, to supply the inhabitants of the village of Phillipsburgh and its vicinity, in the county of Warren, with water.

Lehigh Water
Company may
supply water
in town of
Phillipsburgh.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Lehigh Water Company of Easton, Pennsylvania, incorporated by an act of the legislature of the state of Pennsylvania, approved the twentieth day of March, in the year of our Lord one thousand eight hundred and sixty, be and they are hereby authorized to supply with water such inhabitant or inhabitants of the village of Phillipsburgh and its vicinity, in the county of Warren, or companies exercising their corporate powers in said village and its vicinity, as may desire a supply of the same, and to enter into and execute contracts, agreements or cove-

nants in relation to the authority hereby granted; and the said the Lehigh Water Company, in all courts of law in this state, shall be deemed and taken to be an existing corporation of this state, for the purposes aforesaid, and for the purpose of enforcing the performance of such contracts, agreements and covenants as shall be made in pursuance of the provisions of this section, and for no other purpose whatever.

2. *And be it enacted*, That for the purpose of effecting the objects of this act, it shall and may be lawful for the said the Lehigh Water Company to erect, construct and maintain all works necessary or convenient, and to lay down pipes and other conduits, and to erect and construct hydrants and fire plugs in the roads, streets, alleys, lanes and other places in the village of Phillipsburgh and its vicinity, and to do all things necessary to furnish said village and its vicinity, and the buildings, streets and other places situated therein with water; *provided*, that the public travel upon the roads, streets, lanes and alleys, shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes, or the erection and construction of fire plugs or hydrants, or other necessary or proper works; and after the completion of any work, the roads, streets, side and cross-walks shall be left in as good condition as before the commencement of any such work, and no private land shall be in any way injured or defaced without permission first obtained from the owner or owners thereof.

May construct
hydrants, lay
down pipes,
&c.

Proviso.

3. *And be it enacted*, That any person who shall wilfully destroy or injure the ditches, pipes, aqueducts, trunks, cisterns, reservoirs, or any other of the works of the said company erected in pursuance of the provisions of this act, or shall wilfully corrupt or render unwholesome and unfit for use the water so to be introduced and furnished as aforesaid, shall forfeit and pay a sum not less than ten, nor more than one hundred dollars, to be recovered by action of debt before any justice of the peace, in the name of the said corporation, one half for the use of the person who shall give information, and the other half for the use of the said corporation; and if

Penalty for injury to works.

any person or persons against whom any judgment shall be rendered for said penalty, shall neglect or refuse to pay the amount of such judgment, and no goods or chattels of such person can be found whereof to levy such judgment by execution, then such person or persons shall be committed to the jail of the county of Warren for any period of not less than one nor more than fifty days.

Who to make
contractswith.

4. *And be it enacted*, That the owners of the freehold in and upon which said water may be so taken and used, shall in all cases be the parties with whom such contract for the use of the water shall be made, and the said real estate shall be bound and liable for the payment of the moneys due for the use of said water, reserving to the company the right to contract with the lessee or tenants, on the responsibility of the lessee or tenants, if they see fit or proper so to do; and any person or persons who shall take any of said water for domestic or other uses, without having previously contracted for the same, shall forfeit and pay for every such offence any sum not exceeding fifty dollars, to said corporation, to be recovered before any justice of the peace by action of debt or assumpsit.

Approved March 8, 1861.

CHAPTER XCII.

A further supplement to the act entitled, "An act to revise and amend the charter of the city of Newark," approved March the eleventh, eighteen hundred and fifty-seven.

WHEREAS, in the supplement to the charter of the city of Newark, creating the twelfth ward of said city, approved

February second, eighteen hundred and sixty, no proper provision is made for the further election of an alderman or aldermen in said ward, and no proper provision is made for the future election of a commissioner or commissioners of public schools in said ward—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the second Tuesday of October, in the year of our Lord eighteen hundred and sixty-one, and on the second Tuesday of October in each and every year thereafter, an election shall be held in said twelfth ward of the city of Newark for an alderman, who shall hold such office for the term of two years; and in case of the death, resignation, or other disability of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold his office for the unexpired term only.

2. *And be it enacted*, That on the second Tuesday of October, in the year of our Lord one thousand eight hundred and sixty-one, and on the second Tuesday of October in each and every year thereafter, an election shall be held in the said twelfth ward of the city of Newark for a commissioner of public schools, who shall hold such office for two years; and in case of the death, resignation, or other disability of any commissioner of public schools of said ward, a person shall be duly appointed by the common council to fill the vacancy, who shall hold for the unexpired term only.

Repealer.

3. *And be it enacted*, That all parts of the said supplement to the charter of the city of Newark creating the twelfth ward of the city of Newark inconsistent with this act, be and the same are hereby repealed.

Approved March 8, 1861.

CHAPTER XCIII.

A further supplement to the act entitled, "An act to incorporate the Camden and Atlantic Railroad Company."

Preamble.

WHEREAS, it is proposed to survey and lay out in building lots a large part of the lands on Absecom Beach below Atlantic City, and to improve the same, and it is therefore desired to extend the Camden and Atlantic Railroad from the city of Atlantic to Great Egg Harbor inlet on said beach—therefore,

Branch road
authorized.

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 Camden and Atlantic Railroad Company to survey, locate and construct a branch railroad from at or near the present terminus of said railroad, in the city of Atlantic, down and along said Absecom beach, to any point at or near Great Egg Harbor inlet, according to the provisions of the original act to which this is a supplement, with all the powers and privileges, and subject to all the conditions, limitations and provisions, except as hereinafter otherwise provided.

2. *And be it enacted*, That in order to provide the means ^{May borrow money.} necessary to construct and build said branch of said road, the said company is hereby authorized to borrow such sums of money, not exceeding one hundred and fifty thousand dollars, from time to time as may be necessary for that purpose, and to secure the re-payment thereof by the bonds of the company, and a mortgage of the said branch and the privileges, franchises and appurtenances of said company, so far as respects said branch, at a rate of interest not exceeding seven per centum per annum, said mortgage to be a prior lien on said branch railroad in the nature of a purchase money mortgage; *provided*, it shall not be lawful for the said company ^{Provide.} to plead any statute or statutes of this state against usury in any suit at law or in equity to enforce the payment of any bond or mortgage executed under this section.

3. *And be it enacted*, That it shall and may be lawful for the Camden and Atlantic Railroad Company to erect and establish such ferries and to build and maintain the boats, wharves, slips, fixtures and appliances necessary for that purpose; *provided however*, that it shall and may be lawful for ^{May erect ferry, &c.} the said railroad company to subscribe to the stock of any ferry to be run in connection with said railroad there or elsewhere, and to build wharves at any other place that may be necessary for the use and proper working of the road.

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

Approved March 8, 1861.

CHAPTER XCIV.

A supplement to an act entitled "An act respecting coroners."

Number of
jury to be sum-
moned.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the number of jurors to be summoned by every coroner or justice of the peace, for the purposes and in the manner prescribed in the eighth section of the act to which this is a supplement, shall not be more than fifteen nor less than nine, and whenever six or more of said jurors so summoned shall appear, the coroner or justice shall swear or affirm them as in the eleventh section of the act to which this is a supplement.

Appointment
of Physician.

2. *And be it enacted*, That it shall be lawful for the board of chosen freeholders of the county of Essex, whenever said board shall deem it best so to do, to elect at any regular or special meeting of said board, a county physician from the number of licensed physicians residing in said county, and to pay him such yearly salary for the services rendered by him as to said board shall seem just, to be fixed from time to time as such elections shall be made; before entering upon the duties required of him by this act, said county physician shall take and subscribe an oath or affirmation before the clerk of said county, faithfully and fairly to perform the duties of his office to the best of his skill and understanding, which oath or affirmation shall be filed by said clerk in his office.

Duty of Physi-
cian.

3. *And be it enacted*, That it shall be the duty of said county physician to make all post mortem examinations now required by the act to which this is a supplement, and generally to perform all medical services contemplated or required by said act; it shall also be the duty of said county physician in all cases of deaths in prison, and all violent, sudden or casual deaths within his county, to take a view of the body and make all proper inquiry respecting the cause and manner

of the death; and all the duties now required by law to be performed by coroners or justices of the peace in making such view and inquiry to ascertain if an inquest should be held, shall hereafter be performed by said county physician, and not by said coroners and justices of the peace; if upon such view and inquiry said physician shall be of opinion that there is cause to suspect that the person whose body he has been called to view came to his or her death by murder or manslaughter, or by the contrivance, aiding, procuring or other misconduct of any person or persons, then it shall be his duty to call upon one of the coroners of the county, or if such coroner cannot be had, upon a justice of the peace of said county, and request him in writing to issue the precept for the summoning of a jury of inquisition, to consist of the number herein provided, and to hold an inquest and make return of the same in all respects as required by said act, except so far as changed by this supplement thereto.

4. *And be it enacted*, That in case no election shall be made by the board of chosen freeholders of the county of Essex of such county physician, or in case one so elected shall omit to take the oath or affirmation herein required, or shall die or resign, or his office in any wise become vacant, then during such failure to elect, or such omission or vacancy of the office, the coroners and justices of the peace in Essex county where there shall be no county physician for any of the causes last named, shall perform the duties and exercise the powers prescribed by the act to which this is a supplement. In case of vacancy.

5. *And be it enacted*, That in case said county physician shall be sick or from any cause shall be unable to attend to make such view and enquiry, or post mortem examination, or attend at any inquest or perform any service required of him by this act, it shall be lawful for him to nominate and appoint in writing under his hand, any other licensed physician of said county, to perform such specific service as he may be unable to perform; and the physician so appointed shall in that behalf possess all the powers of said county physician, Physician may deputise another.

and all fees and charges of said physician so appointed for such services rendered while acting under such appointment, shall be paid by said county physician.

Physician to have exclusive power in certain cases.

6. *And be it enacted*, That in all cases where said county physician shall be elected and qualified and fulfilling his office as aforesaid, he shall have exclusive right and power to make all views and inquiries heretofore made by coroners and justices of the peace, and that no precept for the summoning of a jury of inquest shall hereafter be issued by any justice or coroner of said county of Essex, except by the written request of said physician made as aforesaid; and the request in writing so made by such physician, shall be annexed to the inquest made and returned by said coroner or justice.

Repealer.

7. *And be it enacted*, That all acts and parts of acts repugnant to or inconsistent with this act, are hereby repealed, and that this act shall take effect immediately.

Approved March 8, 1861.

CHAPTER XCV.

AN ACT to alter the township line between the townships of Tewksbury and Readington, in the county of Hunterdon.

Boundary described.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Readington, in the county of Hunterdon, lying north of the line hereinafter described, shall be set off and annexed to the township of Tewksbury, in the county of Hunterdon, which said division line shall run as follows, to wit: beginning

at that point in the road leading from the New Germantown and White House road to the Lamington river, where it crosses the division line of the townships of Tewksbury and Readington, and running thence in a straight line in an easterly direction to the south-east corner of John B. Vanderbeck's farm, in the middle of the Lamington river, which is the division line between the counties of Somerset and Hunterdon, and there to end.

2. *And be it enacted*, That either township committee of the said townships of Readington and Tewksbury, upon giving the township committee of the other township ten days' notice of the time and place of meeting, may cause the said division line to be run, and to cause suitable monuments to be erected along the line so run, which survey shall be filed in the clerk's office of the county of Hunterdon.

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

Approved March 8, 1861.

CHAPTER XCVI.

AN ACT to incorporate the Perth Amboy Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Paterson, Peter R. Hawley, John Manning, James T. Crowell, William Hall, John L. Boggs, and Richard Cornell, 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 "Perth Amboy Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas for the purpose of lighting the streets, buildings, and other places in the city of Perth Amboy and its vicinity, and to hold and convey real estate necessary for the purposes of the corporation.

May put in
pipes, &c.

Proviso.

2. *And be it enacted*, That the corporation shall have power to lay down their gas pipes, and erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues and public grounds in the city of Perth Amboy and its vicinity, and to do all things necessary to light said city, and the dwellings, stores and other places situated therein; *provided*, that the public travel shall at no time be affected by the laying of the said pipes, and the streets, road, side and cross-walks, lanes and avenues shall not be injured, but shall be left in as good condition as before the laying the said pipes and the erection of the said posts.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That William Paterson, Peter R. Hawley, John Manning, James T. Crowell, William Hall, John L. Boggs, and Richard Cornell, are hereby appointed commissioners for receiving subscriptions for the sum of thirty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five 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 this state as they shall designate by public advertisement previously inserted for at least three weeks in a newspaper printed at Perth Amboy, or written notices of the same in five public places in said city for three weeks, and shall keep the same open as long as they 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 cent. on each share subscribed as they may deem expedient, not exceeding ten per cent. on each share subscribed, which shall be paid over to the directors of said corporation, 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 subscription until the whole stock subscribed amounts to thirty thousand dollars, and are also authorized to call on the subscribers, by public advertisement in a newspaper printed at Perth Amboy, 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.

4. *And be it enacted*, That the management of the concerns of the company shall be vested in five directors, to be selected from the stockholders, a majority of which directors shall be citizens of the state of New Jersey, and the 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 at Perth Amboy, and at such time and place in Perth Amboy as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the then next succeeding first Monday in May, and they 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 in Perth Amboy 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 Perth Amboy, or notices posted in five public places for the like space of time; and any vacancy in said board of directors may be supplied by appointments 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

Election of
directors.

have held in their name or names at least one month before the time of voting.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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.

Quorum.

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.

Stock trans-
ferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable, according to the regulations of the directors, and shall be considered personal property, and the stock and transfer books, and all proper books of account, in which shall be fairly and truly entered all the transactions of the company, shall be kept at some suitable place in Perth Amboy, and shall be at all times open to the inspection of the stockholders.

Penalty for
injuring works

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, post or structure whatsoever, or any thing 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 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 conviction shall not in any way impair the right of action for damages by a civil suit, which said civil suit is hereby authorized to be brought for any such injury as aforesaid by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

May borrow
money.

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 paid in, and to secure any money

so borrowed to give bond or bonds, or other evidences of debt, and mortgage or mortgages upon their property, franchises and privileges, and by such other assurance or assurances as they may deem expedient.

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

Approved March 8, 1861.

CHAPTER XCVII.

AN ACT to incorporate the Continental Hotel Company of Atlantic City.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of} *the State of New Jersey*, That Andrew K. Hay, Jonathan Pitney, Joseph Porter, Florence M. Bingham, John Brodhead and Peter Maison, and their associates and all other persons who shall become subscribers to or owners of the capital stock hereby created, and their successors shall be and they are hereby incorporated and made a body politic and corporate, in fact and law by the name of "the Continental Hotel Company of Atlantic City," to have perpetual succession, to be capable in law of suing and being sued, to have a common seal, and the same to alter and renew at pleasure, and to have, hold, receive, enjoy and take by absolute conveyance in fee simple, such real estate as may be necessary for the construction of a hotel in the city of Atlantic and such supplementary buildings as may be adapted to and form part of the general plan and design thereof, for the accommodation and use of any parties who may be desirous of renting and occupying the same, and the said real estate or any part thereof, when

in the opinion of the said corporation it may be proper so to do, to sell and to convey to any person or persons who may be desirous of purchasing the same.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, divided into ten thousand shares of ten dollars each, which stock shall be deemed personal property, and shall be transferable only on the books of the company in such manner as the board of directors from time to time by by-laws or otherwise may direct, and that at all elections wherever balloting is required, each share of stock shall entitle the holder thereof to one vote.

Duties and
powers of
directors.

3. *And be it enacted*, That the affairs of the company shall be managed by seven directors, to be elected annually, at such time and in such manner as the company by its articles of association, by-laws, or otherwise from time to time may direct, who shall serve for one year, and until others are chosen in their stead; that Andrew K. Hay, Jonathan Pitney, Joseph Porter, Florence M. Bingham, John Brodhead and Peter Maison shall be the first directors under this charter, to continue in office until others are elected in their stead, and that the directors may hold such meetings of their board in the city of Philadelphia as they may by their by-laws or otherwise from time to time prescribe; four members shall be a quorum at these meetings.

Election of
officers.

4. *And be it enacted*, That the said directors shall choose from their own number a president, and may also appoint such other officers and agents as may be deemed expedient, and the said directors may supply any vacancy in their own body by death or resignation, those so appointed to hold until others shall be chosen in their stead.

Legislature
may alter, &c.

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

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

Approved March 8, 1861.

CHAPTER XCVIII.

AN ACT to compel the owners of improved lands in the township of West Milford, in the county of Passaic, and of the township of Readington, in the county of Hunterdon, to build road fences.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owner or owners of any improved land lying in the township of West Milford, in the county of Passaic, or in the township of Readington, in the county of Hunterdon, upon any public highway, shall be and are hereby required to build a lawful fence along such highway upon his, her or their said land; and if any such land owner or land owners shall neglect or refuse to build such fence for the space of six months from the time this act takes effect, it shall not thereafter be lawful for him, her or them to maintain any suit or recover any damage for any trespass committed by any cattle running or driven upon such highway.

Fences on
highways re-
quired.

Approved March 8, 1861.

CHAPTER XCIX.

Supplement to an act incorporating the town of Hackettstown, approved March third, eighteen hundred and fifty-three.

Preamble.

WHEREAS, doubts have arisen concerning the authority of the common council of the borough of Hackettstown, to build and maintain a lockup or city prison for the imprisonment of petty offenders in said corporation—therefore,

Prison for offenders.

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 to build and maintain a suitable place of confinement to imprison offenders against the laws and ordinances of said corporation.

Repealer.

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

Approved March 8, 1861.

CHAPTER C.

AN ACT to incorporate "the Weehawken Gas Light Company, of the township of North Bergen, in the county of Hudson"

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators. *the State of New Jersey,* That William Aufermann, Louis Becker, Carl Struver, Jacob Schweitzer, 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 Weehawken Gas Light Company, of the township of North Bergen, in the county of Hudson," 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, alleys, buildings, manufactories, and other places situated in North Hoboken, Union Hill and Guttenberg, and their vicinity, in the township of North Bergen, in the county of Hudson aforesaid, 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, taking and holding any estate, real or personal, necessary to give effect to the specified 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; *provided*, that the said real estate shall not ex- Proviso. ceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced without permission first obtained in writing from the owner or owners thereof.

2. *And be it enacted*, That the said corporation shall be Corporation authorized to lay down pipes empowered to lay down their gas pipes and erect gas posts,

Proviso.

burners and reflectors in the streets, alleys, lanes, avenues or public grounds of North Hoboken, Union Hill and Guttenburg, and their vicinity, in the township of North Bergen aforesaid, and to do all things necessary to light the said North Hoboken, Union Hill and Guttenburg, and their vicinity, in the township of North Bergen aforesaid, and the dwellings, stores, buildings 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.

Commissioners to open books of subscription.

3. *And be it enacted*, That William Aufermann, Louis Becker, Carl Struver and Jacob Schweitzer, are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five 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 public newspaper printed in the county of Hudson, 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 centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, 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 amount so 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 on the appointment of such board of directors, and the said 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 the sum of fifty 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.

4. *And be it enacted*, That the management of the con- Powers of directors.
cerns of said company shall be vested in seven directors, to be selected from the stockholders, a majority of whom shall be residents of Hudson 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 ten thousand dollars shall have been subscribed, 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 second Monday in January thereafter, and the said directors and president shall hold their offices from the second Monday in January of every year for one year, and shall be elected on the second Monday in January in each year, at such time and places 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 Hudson county, and any vacancy in the said board of directors may be supplied by appointments 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 fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed. 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 is directed by the by-laws at any time within one year.

Quorum. 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.

Stock transferable. 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.

Penalty for injuring works. 8. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatever 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 fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding one year, 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 corporation in any court of the state having cognizance of the same.

Books of accounts to be kept. 9. *And be it enacted*, That the said company 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 for the inspection of the stockholders.

Limitation. 10. *And be it enacted*, That the said company shall erect and establish their said gas works within five years from the passage of this act, and if said company fail to comply with the requirements of this section, then all the rights, privileges and powers granted by this act shall be forfeited, and said act void and of no effect.

11. *And be it enacted*, That this charter shall continue in force for the period of thirty years. Duration of charter.

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

Approved March 12, 1861.

CHAPTER CI.

AN ACT to incorporate the Hudson County Hospital, of Hudson County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abram O. Zabriskie, Edwin A. Stevens, J. Dickinson Miller, Ephraim Marsh, Garret G. Van Reipen, Matthew Armstrong, William R. Janeway, Abraham Becker, Cornelius Van Vorst, and Josiah H. Gautier and their associates, are hereby constituted and appointed a body corporate and politic in fact and in name, by the name and style of "the Hudson County Hospital," for the purpose of establishing and maintaining a public hospital in the county of Hudson, and of promoting medical science and instruction; and by that name they and their successors shall be capable of taking by direct purchase or otherwise, and holding and conveying any real and personal estate for the purposes of said corporation. Names of corporators.

2. *And be it enacted*, That any person upon the payment of ten dollars annually or one hundred dollars at one time to Terms of membership.

the treasurer of the said corporation for the use thereof, may become a member of the said corporation, and shall be entitled to vote at any election to be held in virtue of this act.

No religious
test to be al-
lowed.

3. *And be it enacted*, That no religious test shall be required for general membership nor for eligibility to any office in this institution, nor for admission as a patient.

Board of re-
gents.

4. *And be it enacted*, That to carry into effect the objects of the said corporation the members thereof shall at an annual meeting to be held at such time and place as the by-laws of the said corporation shall direct and appoint, elect from their own number by ballot, and by a majority of the votes given at such election, two persons as regents of said corporation; and the persons so elected together with those whose term of service has not expired, shall constitute a board of regents; the regents so elected shall hold their offices until others are elected in their places; in case of any vacancy by resignation or otherwise in the board, the remainder of the regents shall have power to fill such vacancies.

First board of
regents.

5. *And be it enacted*, That the board of regents shall consist of ten members, and the following persons shall, until the first annual election be held, constitute the first board: Abram O. Zabriskie, Edwin A. Stevens, J. Dickinson Miller, Ephraim Marsh, Garret G. Van Reipen, Matthew Armstrong, William R. Janeway, Abraham Becker, Cornelius Van Vorst and Josiah H. Gautier; they shall, as soon as may be convenient, after their appointment, divide themselves into five sections of two members each, and proceed to divide by lot their relative term of service for one, two, three, four or five years; as their terms expire, they shall be replaced as provided in section four.

Quorum.

6. *And be it enacted*, That six regents, including the president or vice president, shall constitute a quorum for the transaction of ordinary business; but for the alienation of any of the real or personal estate of the said corporation, or the leasing of any of the real estate thereof for a longer time than one year, the consent of eight members of said board shall be necessary.

7. *And be it enacted*, That the board of regents shall annually elect by ballot, from among their own members, a president, a vice president, a secretary, and a treasurer, who shall hold their respective offices for one year, and until others are elected in their stead. Election of regents.

8. *And be it enacted*, That the said board of regents shall have full power to manage and conduct all the business and concerns of the said corporation, to make all such by-laws as may be necessary in conformity with this charter, and the statutes of the state of New Jersey, relative to the management of the estate and concerns of the said corporation, and the appointment of such officers as they may deem necessary in addition to those hereinafter specially designated. Powers of regents.

9. *And be it enacted*, That to enable the said corporation to raise a sum of money sufficient for the purchase of a site and the costs of erection and equipment of the hospital required by this act, the board of regents are hereby authorized and empowered to raise in the name of the board of regents such sum or sums of money upon scrip or certificates of debt, to be denominated on the face "Hudson County Hospital Scrip," to an amount in the whole not exceeding fifty thousand dollars, bearing interest at the rate of seven per cent. per annum, payable semi-annually, and the principal of said debt shall be payable at periods not less than one or more than ten years from date; and the said board of regents may sell the same at public or private sale, at not less than the par value thereof, at such times as the proceeds thereof may be required; and for the purpose of paying said scrip and interest thereon as the same may become due, the said board of regents are hereby authorized to employ all or any part of such moneys as they shall receive from patients admitted into said hospital, and the fees received for membership of the aforesaid corporation, and the treasurer of the board of regents shall keep an account of the same separate and distinct from other accounts; all scrip issued as aforesaid shall be signed by the president of the board of regents and countersigned by the secretary of said board, who shall keep a re- May purchase hospital and borrow money

cord of all certificates issued or disposed of, and copies of said record shall be made and delivered to the treasurer of said board; all moneys received upon such certificates shall be received and deposited by the treasurer of said board in a bank of good credit in the state of New Jersey, and be made payable to the joint order of the treasurer and president of the said board of regents; said estate, both real and personal, shall be exempt from city and county taxation.

Medical staff.

10. *And be it enacted*, That the medical and surgical staff of the hospital shall consist of four physicians and four surgeons, who shall be licentiates of the New Jersey State Medical Society, and members of the Hudson County Medical Society, who shall be appointed by the regents, and such assistants as may be deemed necessary; they shall hold their appointments during good behaviour, and shall only be removed upon satisfactory impeachment of their competency, efficiency or conduct, by a majority of their colleagues, and five or more of the board of regents; the parties so impeached shall be entitled to a written and explicit statement of all charges, at least twelve days in advance of all action thereon, when a fair hearing and examination of said charges shall be had before a majority of the board of regents and medical and surgical staff.

Clergymen to be admitted.

11. *And be it enacted*, That to all cases which are deemed critical, clergymen (of the same communion with the patient) shall at all times have access for the purposes of religious ministrations; to all other patients (not in such danger) the clergymen of their own communion shall have free access daily, from eight to ten o'clock, A. M., and from four to six o'clock, P. M.; but such privileges shall not be used in opposition to the wishes of the patient or in such a manner as, in the opinion of the attending physician or surgeon, would disturb other patients, or endanger the general tranquility and decorum of the hospital.

12. *And be it enacted*, That the legislature may at any time alter or repeal this act.

Approved March 12, 1861.

CHAPTER CII.

AN ACT to provide for the collections of delinquent taxes in the township of Franklin, in the county of Gloucester, and the township of Chester, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township collectors in the township of Franklin, in the county of Gloucester, and the township of Chester, in the county of Morris, shall have the same power to collect all delinquent taxes that any constable now has by the eighteenth section of the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six. ^{Powers of township collectors.}

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed. ^{Repealed.}

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

Approved March 12, 1861.

CHAPTER CIII.

AN ACT to provide for the draining and improvement of the salt meadow or marsh land, lying within the limits of the city of Newark.

- Preamble. WHEREAS, a large quantity of salt meadow or marsh land lies within the limits of the city of Newark, in this state, the drainage and improvement whereof by reclamation hath become a sanitary measure of great necessity; and whereas, such drainage and improvement will enhance the value of those lands—therefore,
- Commissioners of drainage. 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 shall appoint three discreet and fit persons, two of whom shall be selected and recommended to the common council by the owners of the salt meadows, and one or both being residents of said city; *provided*, that said owners of salt meadow or marsh land shall select and recommend such persons to the common council, to be so appointed by them, within sixty days from the passage of this act; and in case such owners of salt meadows or marsh lands shall fail to select and recommend such persons within sixty days from the passage of this act, then the said common council shall proceed to appoint such commissioners, who may or may not be residents of the city of Newark, to be commissioners for the drainage and improvement of the salt meadows or marsh land lying within the limits of said city of Newark; the said commissioners when so appointed shall together constitute a board, to be denominated “the Board of Commissioners for the drainage and improvement of the Newark meadows.”
- Provide
- President and secretary. 2. *And be it enacted*, That said board shall appoint one of the said commissioners to be president thereof, another to be secretary thereof, and the other shall be treasurer thereof.

3. *And be it enacted*, That said common council shall have ^{Vacancies in board.} power to fill any vacancy happening in said board, whether arising from the death, resignation, or refusal or inability to act as commissioner, or the removal from this state of the commissioner who shall not be a resident of said city, or the removal from said city of either of the other commissioners, any of said causes shall be deemed and held to create a vacancy in said board; *provided always*, that at all times ^{Proviso,} two of the members of said board of commissioners shall be nominated by the owners of some part of said salt meadow or marsh land.

4. *And be it enacted*, That every commissioner appointed ^{Commissioner to take oath} under this act shall, as soon as conveniently may be after his appointment, take and subscribe an oath, to be filed in the office of the clerk of said city of Newark, faithfully and impartially to perform the duties devolving upon him as such commissioner.

5. *And be it enacted*, That said board when organized shall ^{Duties of commissioners.} have power to take, institute, direct and complete all measures which in their discretion, or in the discretion of a majority of them, shall be proper for the draining and improvement of said meadows, by the excavating and making of ditches in said meadows, and the building and constructing of dams in Maple Island Creek and Pearson's Creek, above their junction, and in Wheeler's Creek, and the dredging of the various creeks and ditches, being or which may be made in said meadows within the limits of said city; and they shall also have power to build and construct such bridges over the creeks and ditches, made or to be made on said meadows within the limits of said city of Newark, as in their discretion, or in the discretion of a majority of them, may be necessary or proper, and to that end it shall be lawful for them to employ a competent engineer or engineers, and assistant or assistants, at a reasonable compensation, and to contract for and cause to be constructed such dams, ditches and bridges, and to do such dredging, or cause the same to be done, and to contract therefor.

May occupy
land, &c. in
prosecution of
the work.

6. *And be it enacted*, That it shall be lawful for said commissioners and their engineer or engineers, and his or their assistants, and the person or persons whom said board shall employ to do any of said work in or for said drainage and improvement, to enter at all times upon said meadows and every part thereof, as necessity or convenience may require, for the purpose of surveying or constructing said work, or any part thereof, and to occupy with materials, machines, implements and temporary buildings for the accommodation of workmen during said work, and dirt from excavations, any part of said meadows which it may be necessary or convenient to occupy in the construction of said work, or any part thereof, doing no unnecessary damage therein.

Limitation.

7. *And be it enacted*, That the operations of said commissioners in said work of drainage and improvement, shall not extend above the mouth of Morris Creek and head of Pearson's Creek.

Cost to be as-
sessed.

8. *And be it enacted*, That as soon as the whole cost and expense of the construction and performance of the various works, including the compensation of the commissioners, which shall be three dollars each for every day of actual employment in the business of the commission, and their employees, and the damage to be paid to the owner or owners of land for land taken in and for the said works and improvements, or any of them, or any part thereof, which shall be determined upon by said board, shall have been ascertained by said board, they shall deliver a statement thereof to the treasurer of the city of Newark, which statement shall be filed in the office of said treasurer, and shall be full, particular and explicit, giving the estimated expense of each work, the names of the owners to whom it is proposed to award damages for land taken or to be taken in or for said works, or any part of the same, and the amount of those damages, and shall declare the amount of money which, in the judgment of said board, is necessary to be provided for the defraying of said cost and expense.

9. *And be it enacted*, That upon the filing of said state-

ment in the treasurer's office aforesaid, it shall be the duty of the common council of said city of Newark forthwith to provide for the defraying of the amount of said cost and expense, which by said statement it is declared to be necessary that they should provide for defraying, by the issuing of the bonds of the mayor and common council of the city of Newark, under the corporate seal of said city of Newark, payable at a time not to exceed five years from the issuing thereof, and bearing interest at a rate not to exceed seven per centum per annum, which bonds when so issued shall be employed in and for the defraying of said cost and expense; said bonds shall declare the purpose for which they are issued by being entitled Meadow Improvement Bonds, and the amount thereof to be issued shall not exceed the amount of said cost and expense so estimated and declared.

Bond may be
issued in pay-
ment.

10. *And be it enacted*, That in order to provide for the payment of said bonds, said board of commissioners shall, within six months after the issuing thereof, make a just and equitable assessment of the amount of damage which any land owner whose land shall be taken in and for the works, or any of them, or any part thereof, by this act authorized, will sustain by reason of the taking of said land, and also of the amount of the whole cost and expense of said drainage and improvement, including the compensation of said commissioners and their employees, which last named assessment of cost and expense shall be made by said board in an equitable manner, and in just and equitable proportions upon all the land in said meadows and the owners thereof, where the owners shall be known to said board, benefitted by said drainage and improvement, including the land of those persons of whose land a part may be taken in and for said work by this act authorized, or any part of the same, and shall file said assessment in the office of the treasurer of said city of Newark, there to remain.

Taxation of
land owners.

11. *And be it enacted*, That said board shall cause a map of said land, whereupon said assessments of said cost and expense are made, to be made, giving thereon the names of

Map to be filed

the owners or supposed owners of the land whereon the assessments are made, and the same shall be filed in the office of the treasurer of said city of Newark; and the assessment when so made as aforesaid shall be and remain a lien upon the lands whereon the same are assessed until the same is paid, with interest thereon at the rate of twelve per centum per annum from the time of the filing of the certificate of assessment in the treasurer's office.

Errors in certain cases not to invalidate.

12. *And be it enacted*, That no error in the fixing of the boundaries of any land assessed, or in the name of the owner or supposed owner, shall in any wise affect or invalidate any assessment made upon the land, nor shall any assessment be held to be invalid because the name of the owner of the land has not been given, nor because the land of any owner has been assessed in various parcels, nor because the land of different owners has been joined in any assessment; but it shall be the duty of said board, as far as conveniently practicable, to ascertain the boundaries of the land of each owner whose land is assessed, and to assess the land of each owner in one parcel, and not in connection with the land of any other owner.

How to collect assessment.

13. *And be it enacted*, That it shall be lawful for the treasurer to proceed to collect any unpaid assessment by giving two months' notice, by advertisement in two public newspapers printed in the city of Newark, at least one week, of intention to sell, on a day and at a place therein to be inserted, the land (of which, for the purpose of said advertisement, the lot number on said commissioners said map shall be sufficient description,) whereon the assessment remains unpaid, for the amount of such assessment, with interest and costs of advertisement and sale; at which time and place it shall be lawful for said treasurer to proceed to sell at public auction the land on which any assessment is unpaid, to the person who will take the same for the shortest term or period of time, not exceeding one hundred years, and pay the assessment, interests and costs of advertisement and sale, which sale shall vest in the purchaser the title to the land so sold for

the term at which the same shall be so struck off to him, free and clear of all incumbrances thereon; and there shall be executed and delivered to said purchaser, in pursuance of said sale, on his making payment of said assessment and interests, and costs of advertisement and sale, a declaration in writing, under the seal of the city of Newark, granting to the purchaser, his executors, administrators and assigns, the term so by him purchased.

14. *And be it enacted*, That the owner of the land so sold, Owner may redeem lands. or any mortgagee thereof, may at any time within two years from the time of such sale, redeem said lands by paying to the purchaser, his executors, administrators or assigns, the amount paid by the purchaser of said term to said treasurer, with interest thereon at the rate of fifteen per centum per annum from the day of sale; or if the purchaser, his executors, administrators or assigns, cannot be readily found, then such owner or mortgagee may pay said sum within said two years, with the interest as aforesaid, to said treasurer, whose receipt therefor shall be a full discharge and extinguishment of said term; and said treasurer shall pay the same, on demand, to said purchaser, his executors, administrators or assigns.

15. *And be it enacted*, That from any assessment under Appeal. this act an appeal to the circuit court of the county may be taken, in thirty days after the said assessment shall be filed in the treasurer's office, which appeal shall be conducted and tried as other trials by jury.

16. *And be it enacted*, That the city treasurer of said city shall, under the direction of the common council thereof, tender and pay to the owner or owners of the land determined by said board to be taken in or for any of said works by this act authorized, if resident in that city, the amount of the damages, as the demand may be made and payment refused. Damages to be tendered to owners.

17. *And be it enacted*, That in case of non-payment on demand of any damages, In certain cases to be recovered against city. estimated and assessed by said board, for any land taken for any of said works by this act

authorized, with interest from the date of the assessment, in case no appeal shall be taken to the circuit court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the mayor and common council of the said city, in an action of debt, with costs, in any court having cognizance thereof, and the proceedings of the said board and the common council of the city in regard thereto, or the award of the jury, as the case may be, shall be conclusive evidence against the defendant.

Payment
where owner
is under dis-
ability.

18. *And be it enacted*, That the land so determined to be taken may, on payment therefor, or tender of such payment and refusal thereof, or payment of the amount assessed to him, her or them, by said board therefor; but if any such owner is not a resident in the said city, or cannot be upon reasonable inquiry found therein, or is a lunatic, or an idiot, or under age, or if for any other cause he or she is incapacitated from receiving the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then said city treasurer shall make an affidavit of the facts and file the same with the city clerk of the said city; and the common council of the said city shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed in the city treasury for the use of the person to whom it may be due; and said money so placed in said city treasury shall be paid by the said common council to the person or persons entitled thereto, on demand, without interest, except from such time awarded therefor, into the city treasury in case of the non-residence in the city of the owner or owners, or his or their not being readily found in the city, or his, her, or their incapacity or refusal to accept the said assessment and sign a receipt therefor, be forthwith converted by the board to the uses and purposes for which it may be so taken.

Works to be
kept in repair.

19. *And be it enacted*, That when said works by this act contemplated shall have been completed by or under the direction of said board; the same shall forever thereafter be kept in repair by the mayor and common council of the city

of Newark, who shall have power for that purpose to levy and collect in the same manner as other taxes are or shall be levied, assessed and collected upon the said lands benefitted by said drainage and improvement, the amount of money which from time to time shall be necessary for that purpose.

20. *And be it enacted*, That all moneys collected by the treasurer of said city of Newark, under the said assessment, shall belong to said city. Collection of moneys.

21. *And be it enacted*, That no person or body corporate shall in any wise obstruct, injure or damage said dams, ditches or bridges, or any of them, or any part of the same, or of any of them, under penalty of one hundred dollars for every offence, to be recovered in the name of the treasurer of the city of Newark, to the use of the mayor and common council of the city of Newark, in an action of debt, with the costs of suit, in any court (including the courts held by the police justices of said city,) having jurisdiction of that sum, and in addition to said penalty an action shall lie in the name of said treasurer, for the use of said city, for the recovery from any such person or persons, body or bodies corporate, of all damages which shall be so done by any such obstruction, injury or damaging of said dams, ditches or bridges, or any of them, or any part thereof, by such person or persons, body or bodies corporate. Penalty for injuring works

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

Approved March 12, 1861.

CHAPTER CIV.

A further supplement to the act entitled "An act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine.

Swing gates.

reviso.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That any owner or owners of land may erect swinging gates as a part of the partition fence between adjoining lands, and the same shall be considered a lawful fence; *provided*, the same shall be four feet six inches high, and so close and strong as to prevent horses and cattle and sheep from going through or under the same; and if any person or persons shall stake, shore or leave open or insecure, or cut, break or pull down, or destroy, or in any way leave any such gate so that the cattle or horses of the owner or owners of the adjoining lands may pass through the same, he, she or they shall, for every such offence, forfeit five dollars, to be recovered by action of debt with costs, by any person prosecuting for the same, and shall also pay to the owner or owners of the lands trespassed upon, his or their tenants, all damages which he or they may have sustained thereby, to be appraised by two substantial and indifferent freeholders of the neighborhood, as is in such case made and provided by the aforesaid original act, which damage so assessed shall be recovered by action of debt, and the owner or owners of any of the kind or breed of horses, cattle or sheep, so trespassing upon lands by reason of the neglect or damage to the gates as aforesaid, shall be entitled to all the protection from injury as is provided by section eleven of the act to which this is a supplement, and he or they shall not be liable to have his or their beasts impounded, or be liable to any action to recover any damage accruing thereby.

2. *And be it enacted*, That all of the provisions and regulations in making partition fences, as is provided by section five of the aforesaid act to which this is a supplement, shall also be applied to private roads. To apply to private roads.

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

Approved March 12, 1861.

CHAPTER CV.

A further supplement to an act entitled "An act to incorporate the Hackensack and New York Railroad Company," approved March fourteenth, eighteen hundred and fifty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the stockholders of the Hackensack and New York Railroad Company to elect at every regular election of directors, two directors of said company, in addition to the number now authorized by the act to which this is a supplement; *provided*, that a majority of the whole number shall be necessary to constitute a quorum for the transaction of business, and the present board of directors of said company may appoint said two additional directors, as now authorized by said act in case of a vacancy, to serve until the next regular election for directors of said company. Election of two additional directors. Proviso.

2. *And be it enacted*, That it shall be lawful for said company to extend their railroad from its northern terminus at Extension of road.

the village of Hackensack, northwardly in the county of Bergen, in a straight line, as nearly as possible, so as not to strike the Pascack river, east of the present residence of Henry Smith, then between the Pascack river and Saddle river, until it strikes the division line between the states of New Jersey and New York, and thence, with the consent, or by virtue of any law, of the state of New York, to the New York and Erie Railroad, at or near Nanuet; and the said company shall, and may acquire, hold and possess all lands, rights and property in this state required for such extension of said road, in the manner provided in the act to which this is a supplement, and is 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, except as to the time of the construction thereof, as are contained in the said act to which this is a supplement.

Increase of
capital stock.

3. *And be it enacted*, That for the purpose of enabling said company to extend the railroad hereby authorized to be constructed, the capital stock of said company may, from time to time, be increased to such amount as the board of directors thereof shall deem necessary and expedient, to be subscribed, called in and collected in the manner provided in the said act to which this is a supplement.

May borrow
money.

4. *And be it enacted*, That the said company is hereby authorized to issue their bonds, bearing an interest of seven per cent. per annum, and not exceeding in the aggregate two hundred and fifty thousand dollars, and to sell and dispose of the same, and apply the proceeds thereof to the construction and equipment of the road to be constructed under this act; and to secure the payment of said bonds, the said company shall have power to mortgage the said road, with its franchises and chartered rights.

Limitation.

5. *And be it enacted*, That if the road herein authorized to be constructed, shall not be commenced within three years and completed within five years from the fourth day of July

next after the passage thereof, then this act shall be void as to the part thereof not constructed.

6. *And be it enacted*, That such parts of the said act to ^{Repealed.} which this is a supplement, as are inconsistent with the provisions of this act, be and the same are hereby repealed; and this act shall take effect immediately.

Approved March 12, 1861.

CHAPTER CVI.

AN ACT to incorporate the Middlesex and Union Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Perrine, Lewis Golding, Amos Robbins, Jacob Herbert, Alfred Hall, Marcus Spring, Joseph D. Forbes, Alexander A. Edgar, S. V. R. Patterson, Oliver S. Cox, Joseph D. Bedle, Ward C. Perrine, James B. Mulligan, and William H. Adams, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate, by the name of "the Middlesex and Union Railroad Company." ^{Names of incorporators.}

2. *And be it enacted*, That the capital stock of said com- ^{Capital stock.} pany shall be one million 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 by their by-laws shall direct.

3. *And be it enacted*, That the above named persons, or a ^{Commissioners to open books of subscription.} majority of them, shall open books to receive subscriptions to

the capital stock of said corporation, giving notice thereof for at least twenty days prior to the opening of said books, by publishing the same in a newspaper published in each of the counties of Union and Middlesex; and that the said books shall be kept open for at least two days, or until all the stock is subscribed for in the cities of Elizabeth and Perth Amboy, in this state, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more than one million dollars of stock be subscribed for it shall be the duty of said commissioners to make a fair and just apportionment of the stock among the subscribers, in such manner as they may think best calculated to secure the speedy construction of the railroad hereinafter mentioned.

Corporation
to be organized.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for to said commissioners; and when five hundred thousand dollars of the capital stock shall be subscribed for, the books having been kept open as specified in the preceding section, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose thirteen directors, a majority of whom shall be residents in this state; the election shall be in the city of Perth Amboy aforesaid, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named corporators, or a majority of them, shall be inspectors of said election of the first directors of said corporation, and shall certify, under their hands, the names of the directors duly elected, and deliver over to them the subscription books and money paid in, after deducting a reasonable compensation for their services; 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, a majority of whom shall be residents of this state; and the time and place of holding

the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, 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 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 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.

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

6. *And be it enacted*, That seven directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by installments, not to exceed five dollars on each share, by giving thirty days' previous notice in a newspaper published in each of the counties of Union and Middlesex; *provided*, that no two installments shall be demanded within thirty days of 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.

7. *And be it enacted*, That the said company be and they are hereby authorized and empowered to survey, lay out, locate and alter the location thereof, construct, maintain and operate a railroad from some convenient point in the township of South Amboy, in the county of Middlesex, passing near Perth Amboy and Woodbridge in said county, to some convenient point in the county of Union, and there to connect

Corporation
not dissolved
for failure to
elect on day
prescribed.

Future install-
ments.

Proviso.

Route of road,
&c.

with any railroad or railroads now or hereafter to be constructed in the counties of Union and Essex, and to locate and form said road not exceeding one hundred feet in width, unless it be necessary by reason of the height of the embankment or depth of excavation, to take more, with as many sets of tracks and rails as they may deem necessary, with power to erect or maintain the necessary viaducts over all streams and rivers on the route of said road as surveyed, located or re-located, and deposited, as hereinafter provided, in the office of the secretary of state; and it shall be lawful for said company, their agents, engineers, superintendents and other persons in their employ, to enter at all times upon lands, real estate, and waters, for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same and altering the location thereof, doing no unnecessary damage to private property; and when the route and location of any part of said road, or of 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 said company, by its officers, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use, appropriate, occupy and excavate any such lands or real estate, and to erect embankments, viaducts and all other necessary works thereon, and to lay rails; and said company may take and use any stone, gravel, sand, clay or other earth on the said route which may be required for the construction or repair of the said road, or of any of the works or appendages thereof, and to do all other things which may be suitable and necessary for the completion and repairs of said railroad, and to carry into full effect the objects of this act, first making such compensation, and upon such terms, as are hereinafter provided for.

Proceedings
when com-
pany and
owners can-
not agree.

8. *And be it enacted*, That if the said company, or its agent or agents, shall fail to agree with the owner or owners of such required lands and real estate for the use or purchase thereof, or if by reason of the legal incapacity or absence of such

owner or owners, or for any other reason, no such agreement shall be made, a particular description of the lands and real estate 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 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, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any time 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 of the state, commissioners to examine and appraise the said lands and real estate, and assess the damages sustained by the owner thereof by reason of taking the same, upon such notice, not less than twenty days, to be given to the persons interested, or to be published as aforesaid, as shall be directed by the judge making the appointment of 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 oaths, 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 to proceed to view and examine said lands and real estate, and to make a just and equitable appraisement or estimate of the value of the said lands and real estate, and an assessment of damages which shall be paid by the company for such lands and real estate 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 there-

after, together with the aforesaid description of the lands and real estate, and the appointment and oaths and affirmations aforesaid, in the clerk's office of the county where the said lands, real estate or materials lie, 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, and a copy thereof, certified by the clerk of said county, the damages found or assessed, with the costs 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 land and real estate and either of the said court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice, 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.

Parties aggrieved may appeal.

9. *And be it enacted*, That in case the said company, or owner or owners of the said land and real estate, 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, 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 proceeding shall vest in the said circuit court, or in any justice thereof, 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 impanelled 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, or, in the discretion of said court or justice, at a subsequent 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 real estate, and 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 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; 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, or into the court of common pleas, to the clerk thereof, in said county; and from the owner or owners of land not in controversy, they shall obtain consent before they enter upon or break ground on the premises, except for surveying and laying out said road; *provided*, that Proviso. such appeal shall not prevent the said company from taking and appropriating said lands, real estate or materials, upon the filing of the aforesaid report and payment, or tender of payment and deposit in the said circuit court of the sum assessed as aforesaid.

10. *And be it enacted*, That it shall be the duty of the said How road shall be built. company to construct and keep in repair good and sufficient ways or passages, on or under the said railroad, where any public road or other road, now in use or hereafter laid out, 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 other lands of any individual, to provide and keep in repair suitable and convenient wagon-ways on or under the same; and where the said railroad shall cross the Raritan river a viaduct shall be built over the same, with a draw of at least one hundred feet in width; and if the said railroad shall cross any other streams or rivers navigated by vessels with masts or

smoke pipes, at such a height above the water that such masts or pipes cannot pass under said road, then and in that case there shall be made in the viaducts over such streams or rivers, draws of at least forty feet in width; and all the draws mentioned herein shall be placed in a line with the course of the stream or river, over the best channel thereof, in such position as to do the least injury to the navigation; and the said company shall at all times, when navigable during the night, from dark until daylight, keep a constant light at each of such viaducts, and keep a suitable person at each of said viaducts to open the draw for the free passage of all vessels with standing masts or smoke pipes; and for each and every neglect to keep such light and to open said draw when necessary, the said company shall forfeit and pay the sum of fifty dollars, to be recovered with costs, in any court having jurisdiction thereof, in an action of debt, by any person who shall sue for the same within six months after the time of such neglect; and viaducts over rivers or streams navigated by other vessels shall be built high enough to permit the same to pass under the said viaducts.

Rates for
transportation

11. *And be it enacted*, That said company shall have power to have constructed or to purchase with the funds of the company, and place and run on said railroad, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons, or any species of property as they may think reasonable, expedient or right; 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; *provided*, that they shall not charge more than three cents per mile for each passenger, and six cents per ton per mile for the transportation of every species of heavy merchandize and produce on said road, in the carriages of the company, and for dry goods and packages and express freight such reasonable rates as shall be fixed by the board of directors.

Proviso.

Dividends.

12. *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 dividend of the net profits thereof (if any) among the stockholders, as they may deem prudent, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders or their legal representatives in proportion to the amount of stock held by them respectively.

13. *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 each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business. May hold real estate.

14. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, machinery, 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. Penalty for injury to works.

15. *And be it enacted*, That from and after the completion of the said road, the said corporation shall pay into the treasury of this state yearly and every year, a tax of one-half of one per centum on the cost of the said railroad, and that no other further tax or imposition shall be levied or imposed upon the said company; *provided nevertheless*, that in addition to the above, if any railroad shall intersect or be attached to the railroad hereby established, so as to make a continuous line of railroads carrying passengers across the state of New Jersey, between the states of New York and Pennsylvania respectively, then it shall be the duty of the treasurer of this corporation, under oath or affirmation, to make quarterly returns of the whole amount of money received by the said company from passengers transported over the whole line of Tax to the state. Proviso.

the road hereby chartered, and the number of tons of goods, wares and merchandize transported over the whole line of the road hereby chartered, to the treasurer of the state for the time being, and thereupon said company shall pay quarterly to the said treasurer of this state nine cents for every dollar so received for such passengers so transported over the whole line of the road hereby chartered, and thirteen cents for every ton of such goods, wares and merchandize so transported over the whole line of the said road hereby chartered, except for every ton of lime, wood, stone, ashes, manure, lumber, coal, iron, ore, and similar low priced articles, transported over the whole line of the road hereby chartered, the said company shall pay the transit duty fixed by "An act fixing the transit duty on low priced articles on railroads," approved March ninth, eighteen hundred and fifty-nine; *and be it further enacted*, that this corporation shall make the annual returns required by the laws of this state.

Limitation.

16. *And be it enacted*, That if the said road shall not be commenced in three years from the first day of January next, and completed in ten years thereafter, that then and in that case this act shall be void.

Certain officers to pass free.

17. *And be it enacted*, That the governor, the chancellor, the judges of the supreme court and court of errors of this state, and the attorney general of this state, when 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 its annual or other session, may pass and repass upon said railroad, in the cars of the company, free of charge.

May borrow money.

18. *And be it enacted*, That the directors of said company may issue bonds, in such form and for such sums respectively as they shall deem expedient, to an amount not exceeding in the aggregate five hundred thousand dollars, bearing interest at the rate of seven per centum per annum, which bonds shall constitute a first lien on the roadway, fixtures and other property of said company, and the proceeds of the sale of

said bonds shall be applied toward the expense of constructing and furnishing the railroad authorized by this act.

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

Approved March 13, 1861.

CHAPTER CVII.

AN ACT to incorporate the Williamstown Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles H. Stewart, James Robb, Charles P. Buckingham, Edward S. Ireland, Samuel D. Sparks, Charles Wilson, William H. Bodine, Thomas S. Bateman, Daniel Ireland, Richard H. Tice, Charles W. Husted, Simon Ramal and John F. Bodine, 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 law, by the name of the Williamstown Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation hereby created. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifty thousand dollars, with the privilege to double the same, 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 for Commissioners to open books of subscription.

receiving subscriptions to the capital stock of said corporation, preference being given to citizens of New Jersey; the said books shall be opened by the said commissioners, or a majority of them, two days in succession, at Williamstown in the county of Camden, and shall be kept open from eleven o'clock in the morning to three o'clock in the afternoon each day; and twenty days' notice shall be given by the said commissioners of such times and places, in one of the newspapers printed in Camden, in the county of Camden; and at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for to the commissioners, or some one of them, and that the residue of the subscriptions shall be paid in such installments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, by giving twenty days' public notice thereof, as aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the company.

Election of
directors.

4. *And be it enacted*, That when not less than twenty thousand dollars of the said capital stock shall be subscribed for, it shall be the duty of the aforesaid commissioners, or a majority of them, to give like notice as the above to choose seven directors, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote; and the said commissioners, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription book to said directors, and the moneys paid to them for subscriptions to said capital stock as shall remain in their hands after defraying the expenses of subscriptions and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the

same manner elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors aforesaid; and the first directors, and yearly the directors chosen at any election for that purpose, shall, as soon as may be after the election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the board of directors; and in case of the absence of the president, the said board or a majority of them may appoint a president pro tempore.

5. *And be it enacted*, That five directors of said corporation shall form a board, and they, or a majority of them, shall be competent to transact the business of the said corporation, and may have power to call in the remainder of the capital stock of the said corporation, by such installments, not exceeding five dollars on each share at any one time, and at such times as they may direct, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents and servants as may be required to transact the business of the corporation, with such compensation to them and the president as to the board shall seem proper; and that they shall require from the treasurer such security as they may deem sufficient for the due performance of his trust, and generally to do all other acts and things as they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

Duties and
powers of
directors.

6. *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 corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the direct-

Corporation
not dissolved
for failure to
elect on day
prescribed.

ors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Route of road,
&c.

7. *And be it enacted*, That the directors are invested with full power to lay out and construct a railroad from Williamstown in Camden county, to some suitable point on the Millville and Glassboro' Railroad, or to some suitable point on the Camden and Atlantic railroad, or to both roads, and to run cars upon said railroad, either with horses or with steam engines and to demand and take fare and tolls for the transportation of passengers and merchandise thereon, not to exceed five cents per mile for each passenger, and six cents per ton per mile for each ton of heavy merchandise, produce, property and freight, but for the transportation of dry goods, packages and express freight, the said company may charge such reasonable rates as they shall deem proper; said road not to exceed sixty-six feet in width; and where the same shall cross any public highway, turnpike or plank road, the crossing shall, at the grade thereof, be well planked or stoned, or otherwise made and maintained in good repair, so as not unnecessarily to impede the travel or interfere with the public convenience.

May enter
upon lands, &c.

8. *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, bridges and waters for the purposes of exploring, leveling, surveying and laying out the route of such railroad and branches, and of locating and 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 its branches, 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 com-

pletion 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 land be first had and obtained. Proviso.

9. *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 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 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 the said commissioners (having first taken Proceedings when company and owners cannot agree.

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; which report shall be made in writing, under the hand 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 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.

Parties dissatisfied may appeal.

10. *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 su-

preme 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 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 thereof, 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 cost 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.

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

12. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the Corporation may purchase and hold real estate.

commencement and termination of said road and at each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for
injuring works

13. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any building, machinery, or works of said corporation, such person or persons shall forfeit and pay therefore 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.

State tax to
be paid.

14. *And be it enacted*, That whenever the net proceeds of the road authorized to be built by this act shall amount to seven per centum per annum on its cost, the said company shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Proviso.

May contract
with other
companies.

15. *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 kind of goods, produce, merchandize, freight or passengers, and to enforce the fulfillment of such contracts.

May borrow
money.

16. *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 re-payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges franchises and appurtenances of or belonging to said corpora-

tion, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said Proviso. 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.

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

18. *And be it enacted*, That the governor, the chancellor, Who may ride free. the justices of the supreme court and the judges of the court of errors of this state, and the state superintendent of public schools, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other sessions, shall pass and repass over the said railroad, in the cars thereof, free of charge.

19. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved March 13, 1861.

CHAPTER CVIII.

AN ACT to incorporate the Freehold Land and Improvement Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob B. Rue, John Vought, Aaron R. Throckmorton, Holmes W. Murphy, Charles A. Bennett, Philip J. Ryall, and Joseph D. Bedle, 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 Freehold Land and Improvement Company," 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 county of Monmouth 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 the said purposes.

Election of di-
rectors.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by seven 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 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, 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 the county of Monmouth; and each 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 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 from the stockholders the first directors shall be Jacob B. Rue, John Vought, Aaron R. Throckmorton, Holmes W. Murphy, Charles A. Bennett, Philip J. Ryall, and Joseph D. Bedle, who shall hold their offices until the first Monday of May next, or until others are legally chosen.

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 fifty dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of five 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 objects 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 five dollars on each share at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Monmouth, or 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 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 of all previous payments thereon, for the use of the company; and the books of

Amount of
capital stock.

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 Monmouth as the directors shall appoint, notice being given previous thereto for two weeks in a newspaper printed in said county, 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.

Power to rent,
lease, &c.

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, and to use the same for agricultural purposes or in any other lawful way that the said corporation may deem necessary and advisable.

By-laws, &c.

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; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

Proviso.

In case of failure to elect,
&c.

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.

Legislature
may alter, &c.

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

Limitation.

8. *And be it enacted*, That this act shall continue in force for thirty years.

Approved March 13, 1861.

CHAPTER CIX.

A further supplement to the act entitled "An act to incorporate the Peapack and Plainfield Railroad Company," approved March thirtieth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of}
the State of New Jersey, That Henry Hilliard, Morris P. ^{corporators.}
Crater, Cornelius W. Schomp, John H. Anderson, Alvah
Lewis, James P. Goltra, James W. Arrowsmith, James
Thompson, George Parrot, Nathaniel Bonnell, Jonathan Val-
entine, H. B. Hart, Israel O. Maxwell, Maltby Jelif, Joseph
Alward, Watus B. Alward, 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 cor-
porate and politic, in fact and in name, by the name of the
Peapack and Passaic Valley Railroad Company.

2. *And be it enacted,* That so much of the seventh sec- ^{Repealer.}
tion as requires said road to be constructed at or within two
miles of Liberty Corner, and to terminate in or near Plain-
field, be and the same is hereby repealed.

3. *And be it enacted,* That the president and directors ^{Extension of}
of said company shall be and they are hereby invested with ^{route.}
all the rights and powers necessary to continue the line of
said road through the Passaic Valley at or near New Provi-
dence, and to connect with any railroad in the counties of
Union or Essex.

4. *And be it enacted,* That it shall be lawful for the said ^{May make}
company, at any time during the continuance of its charter, ^{contracts.}
to make contracts and engagements with any other incorpo-
ration, or with individuals, for transporting or conveying any
kinds of goods, produce, merchandise, freight or passengers
on the line of said road, or between any intermediate point or
points thereof, and to enforce the fulfillment of such con-

Provviso. tracts; *provided*, that the said company shall pay annually to the state of New Jersey one-half of one per centum upon its capital stock, after its earnings shall exceed six per centum upon the cost of the road; *provided*, that no other tax shall be levied or assessed on the said company.

Limitation. 5. *And be it enacted*, That the time for the commencement of said railroad be extended to the fourth day of July, eighteen hundred and sixty-five, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and seventy.

Repealer. 6. *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.

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

Approved March 13, 1861.

CHAPTER CX.

A further supplement to the act entitled "An act to incorporate the city of Rahway," approved March twelfth, eighteen hundred and fifty-eight.

Corporate
limits extend-
ed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the corporate limits of the city of Rahway be extended to include all the district of country in the county of Union contained within the boundary lines of the township of Rahway.

Fifth ward
erected.

2. *And be it enacted*, That all that part of the territory

of the township of Rahway lying outside of the present city limits, and by this act included within the corporate limits of said city, be and the same is hereby erected into and constituted a new ward, to be called the fifth ward of the city of Rahway, excepting all that part of the territory of the present township of Rahway which was set off to said township of Rahway from the township of Woodbridge, which last mentioned part of said township of Rahway is hereby annexed to and shall form a part of the third ward of the said city of Rahway.

3. *And be it enacted*, That the inhabitants of said ward by this act created shall be vested with and entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Rahway are or may be entitled to or subject; *provided nevertheless*, that it shall not be lawful for the common council of said city to authorize an assessment upon the taxable inhabitants of said fifth ward for the support of the police, the maintenance of the fire department, the lighting of the streets, or the establishment of public parks, the construction of sewers or drains, in any of the other wards of said city; but this proviso shall not be construed to exempt from taxation the property of any of the inhabitants living in the said fifth ward, lying in any of the other wards of said city. Rights and powers of inhabitants. Proviso.

4. *And be it enacted*, That the same number of officers required by law to be elected in the several wards of said city of Rahway, shall be elected annually, at the time of the annual charter election of said city, to fill the like number of offices now created by law and filled in the other wards of said city, and the common council of said city of Rahway shall designate the place where the first annual election shall be held, and shall appoint three judges and a clerk of the first election, to be held on the second Monday of April next; said officers shall be sworn or affirmed before any justice of the peace, or other officer qualified to administer an oath by What officers, and how to be elected.

the laws of this state, and shall hold said election and make returns thereof in the same manner as required by law of other ward election officers.

Elections,
when and how
to be held.

5. *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 Union, and for members of congress, and electors of president and vice president of the United States, or for any other officer of the general or state governments, or officers of said county of Union, to be elected by the people, shall be held in the several wards of the said city of Rahway on the day or days which now are or hereafter may be designated for holding such elections, at the places therein appointed by the common council of said city for holding the annual charter elections; the polls shall be opened at eight o'clock in the forenoon and closed at seven o'clock in the afternoon, and the judge and inspectors of elections in the several wards shall preside at and conduct all such elections, and the ward clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city entitled to vote at such elections shall vote in the ward wherein he actually resides at the time of such election, but not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section of the act entitled "An act to regulate elections," approved April sixteenth, A. D. eighteen hundred and forty-six, to be sued for and recovered in the name of the ward clerk where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Officers of
elections, du-
ties and penal-
ties.

6. *And be it enacted*, That the said judge and inspectors of election 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 be required by law 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 of, 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 ward clerks of the said wards respectively shall procure election boxes for the use of their wards, 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 keep the same in repair.

7. *And be it enacted*, That an election by ballot shall be held in each of the wards of said city on the second Monday of April next, and on the second Monday of April in every year thereafter, at such places as the common council shall appoint, and of which at least two weeks previous notice shall be given by the common council, in the newspapers printed and published or circulated in said city; at which time there shall be elected a mayor, a treasurer, a city clerk, one receiver of taxes, one coroner, and one collector of arrears of taxes, two chosen freeholders, who shall hold their offices for one year; and one justice of the peace, who shall hold his office for five years; and in and for each of the wards of said city there shall be elected two councilmen, one assessor, one judge of election, two inspectors of election, one ward clerk, one commissioner of appeal in case of taxation, and two constables, who shall hold their offices respectively for the term of one year; and the common council of said city are hereby authorized to determine by ordinance what other justices of the peace are requisite from time to time for the several wards, which said justices shall be elected at the annual charter elections from such wards respectively; *provided*, Charter election, when to be held and what officers to be chosen. *Proviso.* that in the election of inspectors of elections no ballots shall contain the name of more than one person to be voted for as

an inspector of elections, and in case any ballot voted shall contain the names of more than one person voted for said office, both names shall be rejected.

Terms of office

8. *And be it enacted*, That the term of office of the chosen freeholders of the said city shall commence at the time or times provided by law, and the term of office of all other officers elected at the annual charter election as herein provided, shall commence on the first Monday in May succeeding such election.

Powers, duties
&c., of officers.

9. *And be it enacted*, That all the officers elected in said city shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties, of the like officers of any township of the county of Union, to the same extent, and in the same manner and in all respects as if each of the wards of said city was constituted a separate township of the said county of Union, where such powers and duties are not inconsistent with the provisions of this supplement; and the members of the common council of said city, collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township in the county of Union, so far as such powers and duties are consistent with the provisions of this supplement, and not inconsistent with the provisions of the act to which this is a supplement.

Town commit-
tee to transfer
property to
mayor and
common coun-
cil.

10. *And be it enacted*, That the township committee of the township of Rahway shall, on or before the third Monday of March next, convey and transfer to the "mayor and common council of the city of Rahway," all the real and personal property belonging to said township, and the mayor and common council of the city of Rahway shall thereupon assume and become liable to pay all the just corporate debts and liabilities of said township committee, and the said mayor and common council of the city of Rahway are hereby authorized in their discretion to sell and dispose of any or all of the real and personal property so conveyed to them by said township committee.

11. *And be it enacted*, That the town superintendent of public schools for the township of Rahway, shall, on or before the third Monday in April next, render to the mayor and common council of the city of Rahway, an account in writing of all school moneys received by him before the time of rendering such account, and the manner in which the same has been expended and appropriated by him ; and if any balance shall remain in the hands of the said town superintendent, such account shall designate the district or districts to which such balance belongs, and shall be immediately paid over by said town superintendent to the treasurer of the city of Rahway ; and the amount of balance belonging to any district over and above its just debts and liabilities, shall be deducted from the first assessment made thereafter upon the taxable inhabitants of such district or districts for school purposes ; and if the just debts and liabilities of any district shall exceed the amount of any balance paid over for such district by the town superintendent, it shall be the duty of the said mayor and common council of the city of Rahway to levy an assessment upon the taxable inhabitants of any such district or districts sufficient to pay such debts and liabilities.

Town superintendent of schools to render account.

12. *And be it enacted*, That the whole amount of the costs, damages and expenses of constructing any sewer or drain in any part of said city, shall be assessed upon the owners of all lands drained or intended to be benefitted thereby, in proportion, as nearly as may be to the advantage each shall be deemed to acquire.

Assessments for sewers and drains.

13. *And be it enacted*, That the duties which the assessors of the several townships and wards in the county of Union are required by the provisions of an act entitled "An act concerning taxes," to perform between the twentieth day of May and the twentieth day of August, shall be performed by them between the twentieth day of April and the twentieth day of June in each year hereafter.

Time when assessors shall perform duty.

14. *And be it enacted*, That the said assessors of the said city, in making their assessments as now provided by law, are hereby directed and required to assess all lands, tenements

Duties of assessors.

and hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the owners respectively, and to designate the same, by the street where situate, and by the number thereof, (where the same is numbered,) and if not numbered, then by such other short description as will be sufficient to ascertain the location and extent thereof; that only one assessment shall be made on any improved lot, together with unimproved lands adjacent thereto and connected therewith and belonging to the same owner; and the said assessors of the said city shall, when maps for that purpose are provided by the common council, make their assessments as nearly as may be according to such maps.

Assessors to
meet as a
board.

15. *And be it enacted*, That the assessors of the several wards of the city of Rahway shall meet annually, on the last Tuesday in June in each year, and may from time to time adjourn, and when so met, they shall constitute a board of assessors for the said city; and it shall be their duty, as such board of assessors, to review the several assessments made by the respective assessors of the several wards of the said city, and to diminish, increase or alter any such assessments in order that the assessments on property, whether real or personal, in the several wards in said city, may be made as just and as nearly equal as possible, which assessment, so revised and approved by the said board, shall be the assessments of the several wards of the city of Rahway, subject as heretofore to the action of commissioners of appeal in cases of taxation.

Taxes, how as-
sessed and col-
lected.

16. *And be it enacted*, That the sum or sums of money authorized to be assessed and raised by tax, by the authority of the act to which this is a supplement and the supplements thereto, shall be assessed by the assessors, and collected by the receiver of taxes and the collector of arrears of taxes, in the manner in which the taxes of the county of Union are assessed and collected, and such assessments shall be made in strict conformity with the provisions of the "Act concerning taxes," except that so much of the said taxes as may be raised for the support of the police department and for light-

ing the streets, shall be assessed and collected upon and from all persons residing, and lands located, within the district of said city of Rahway, to be established from time to time by an ordinance of the common council, and to be called the lamp district of the said city, which taxes, when collected, shall be paid to the treasurer of said city, and be subject to the order of the said common council; *provided*, that they Proviso. shall assess a poll tax on every white male resident over twenty-one years of age, who is not a pauper, of one dollar.

17. *And be it enacted*, That the common council of said Common council to canvass votes. city, for the time being, shall meet on the Monday next succeeding such election, at ten o'clock in the forenoon, to canvass the votes given for the several candidates at the annual city election, in the manner required by the second section of the act to which this is a supplement; and if any officer (except mayor, councilmen or justice of the peace) shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council of said city shall at their first annual meeting, elect by ballot such officer from the candidates having such equal number of votes.

18. *And be it enacted*, That whenever a vacancy shall Vacancies, how filled. occur in the office of mayor, councilmen or justice of the peace, by the refusal or neglect 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 city or ward for which he shall have been elected, or by any other cause, the common council of said city shall immediately appoint a special election to be held in the several wards of said city, or in the ward in which such vacancy has taken place, to supply such vacancy, of which special election the same notice shall be given as is required by this act to be given of the annual charter election of said city; and such special election shall be conducted, and the result be determined and certified, in the manner prescribed in this act for conducting and determining the result of the annual election in the said city for the same office; in

case any such vacancy shall occur in the office of mayor or councilmen, within three months before the second Monday in April in any year, it shall be within the discretion of the common council to appoint a special election or not, as they shall deem expedient.

Common
council to
build work-
houses and
almshouses.

19. *And be it enacted*, That the common council of said city shall have power to build, establish, keep and maintain one or more workhouse or workhouses, and one or more almshouse or almshouses for the relief of the poor, and shall have power, by ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and vote for what length of time, and the manner of ordering, placing and keeping persons therein; the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the government and direction of the said common council, and of such overseers of the poor and other officers as they shall for that purpose constitute and appoint; and the overseer or overseers of the poor appointed by the common council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Councilmen
not to receive
any pay.

20. *And be it enacted*, That no member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold any office the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work or business, or in the sale 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 council; nor shall any member be directly or indirectly interested in the purchase of any real estate or other property belonging to the common council, or which shall be sold for taxes or assessments, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recovered by suit in the name of the "Treasurer of the

city of Rahway;" and the said penalties, when received, shall be paid into the city treasury; nor shall any member of the common council hereafter to be elected, be competent to hold or exercise the office of commissioner of public schools or of police justice of the city of Rahway, but upon being qualified and entering upon the discharge of his duties as a member of the common council, the office of commissioner of public schools or police justice, if held by him, shall thereby become vacant, and may be filled according to law.

21. *And be it enacted*, That all contracts for work done, or furnishing materials for any improvement provided under this act, or the act to which this is a supplement, or under any of the supplements to said act, exceeding in amount two hundred dollars, shall be advertised three weeks in the newspapers of said city, and shall at all times be given to the lowest competent bidder, he or they giving ample security for doing the same according to contract. Contracts to be advertised.

22. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with or repugnant to this act, are hereby repealed, but nothing herein contained shall be construed so as to destroy, impair or take away any right or remedy acquired or given by any act hereby 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. Former acts repealed.

23. *And be it enacted*, That, whereas there are several roads, highways and streets within the said city of Rahway, the lines of which have not been and cannot be certainly ascertained, by reason of the indefinite surveys, and plots and maps thereof; for the better fixing upon and settling the lines and courses of said streets, roads and highways, the common council of said city shall and may appoint, from time to time, three disinterested freeholders of the said city, residing as near as may be in different wards, as commissioners, who, Commissioners to fix lines of streets.

together with the city surveyor for the time being, shall constitute a commission to run, mark, lay out and designate the lines and courses of any such street, road or highway, as are not and have not been ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out and designate the lines and courses of any such street, road or highway, within said city, and shall make a full and clear map and profile of said street, road or highway, or such part thereof as they shall run, mark and lay out, designating by some notable and permanent marks or monuments, the beginnings and endings of said street or part thereof, as aforesaid; which said map or profile, certified under the hands of said commissioners and surveyor, or a majority of them, shall be recorded in the office of the city clerk, which said record or original map or profile, so filed as aforesaid, shall be full evidence of the street, road or highway, or part thereof, as the case may be, and of its lines and courses; and the said three commissioners shall receive for their services such compensation as shall be made and granted by the said common council; *provided*, that private property shall not be taken without compensation to the owner or owners, and the costs and expenses of said improvement shall be assessed and collected in the same manner as for laying out and opening any street.

Proviso.

Council may
pass ordinan-
ces.

24. *And be it enacted*, That the common council shall have power, in addition to the powers granted by the act to which this is a supplement, to pass, amend or repeal all ordinances, for the following purposes, viz: to ascertain the boundaries of all streets, highways, public lanes and alleys, in said city, and to prevent and remove all encroachments upon the same; to prescribe and regulate the places of vending or exposing for sale hay, straw or wood from wagons or other vehicles; to regulate and prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets, or on the sidewalks in said city; to abate or remove nuisances of every kind, and to compel the owner, or occupant of any butchers stall, tallow chandler shop, soap factory, cellar,

stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, in a summary manner, as often as they deem necessary for the health, comfort and convenience of the inhabitants of the city, at the expense of the owner or occupant thereof; to appoint a city attorney; to regulate or prohibit the use of fire-arms; to regulate the weight of bread; to appoint a superintendent of almshouses, and such subordinate officers as they may deem necessary; to appoint a city sealer of weights and measures, and define his powers and duties and fix his compensation; to regulate or prohibit swimming or bathing in the waters of, or adjoining said city; to provide for a necessary supply of water for the extinguishment of fires, and to enact, alter, amend or repeal all ordinances, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this act, the act to which this is a supplement, or by any other law of this state.

25. *And be it enacted*, That it shall not be lawful for the city treasurer to pay any moneys by him received, for any purpose or object whatever, other than that for which the moneys so received by him, was raised and appropriated, by the ordinance, specifying the purpose for which said moneys are to be collected, and authorizing the levying and collecting the same by tax or otherwise. Payment of money.

26. *And be it enacted*, That all taxes assessed and not paid within the time limited by law, shall draw interest from the time the same shall become payable until the same are paid, at the rate of ten per cent. per annum. Unpaid taxes to draw interest.

27. *And be it enacted*, That the grade of no street which has been built on shall be altered, unless by the consent of the owners of one half of the lots fronting on the part proposed to be altered, nor without paying to the owners of such buildings the damages sustained by the alteration of such grade. Grade of streets.

28. *And be it enacted*, That so much of the third section

Part of former act repealed.

of the act entitled "A further supplement to an act to incorporate the city of Rahway, approved February twenty-sixth, eighteen hundred and fifty-eight," which last act was approved March twenty-third, eighteen hundred and fifty-nine, as relates to lighting the streets of said city of Rahway, be and the same is hereby repealed.

Police justice to have jurisdiction.

29. *And be it enacted*, That the special police justice authorized to be appointed by the nineteenth section of the act to which this is a supplement, for the second and third wards of said city, shall have jurisdiction within the limits, and may be appointed from among the residents of the Fifth Ward created by this act.

Money for roads, how to be expended.

30. *And be it enacted*, That all monies hereafter appropriated for road purposes by the common council of said city of Rahway, shall be apportioned to the several wards in proportion to the assessments and receipts from each ward for such purpose, which said moneys shall be expended under the direction of the common council solely for road and street purposes, within the said wards respectively; *provided*, that the common council of said city shall appoint three freeholders, who shall be called commissioners of highways, for the Fifth Ward hereby created, and the quota of the road money for said ward shall be expended under the direction of said commissioners; and the certificates of a majority of said commissioners to all bills for work done on the roads in said Fifth Ward, shall be a sufficient voucher for the treasurer of said city to pay the same.

Proviso.

Officers to be citizens, &c.

31. *And be it enacted*, That the several officers herein before authorized to be elected, shall, at the time of their election, be electors of said city; and all ward officers shall be residents of the ward for which they are chosen; all officers appointed by the common council shall hold their offices for one year and until others are appointed and qualified in their stead.

Council to provide for payment of loans.

32. *And be it enacted*, That if the common council of said city shall determine to borrow any moneys necessary to defray the expenses of purchasing, laying out or opening any

public park or parks, or to construct any sewer or drain, as they are authorized to do by law, it shall be lawful for said common council to provide by ordinance for the collection of the amount of the assessments upon the owners of property assessed for such purposes, to be paid at the period when the moneys so borrowed, or any portion or installment thereof, or the interest thereon, shall become due and payable; and such assessments shall remain a lien on the property assessed, until the whole amount so borrowed, with the interest, shall have been paid.

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

Approved March 13, 1861.

CHAPTER CXI.

AN ACT for the relief of David Hendershot, of the county of Sussex, and John Lafaucherie, of the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay to David Hendershot, of the county of Sussex, and John Lafaucherie of the county of Mercer, who were soldiers in the war of eighteen hundred and twelve, the sum of fifty-two dollars per annum each, to be paid half-yearly on the first day of May and the first day of November; and that the receipt of the said David Hendershot or his order, and John Lafaucherie or his order, shall be

Pensions granted.

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 13, 1861.

CHAPTER CXII.

AN ACT to authorize Richard S. Conover to build a dock at South Amboy.

Preamble.

WHEREAS, Richard S. Conover, of the township of South Amboy, in the county of Middlesex and state of New Jersey, hath represented that he is the owner of certain lands situate in said township, adjoining the waters of Raritan Bay, and hath prayed that a law may be passed authorizing him to build, maintain and keep in repair a dock or wharf, extending a sufficient distance into said bay for the accommodation of vessels navigating the same—therefore,

May build dock.

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 Richard S. Conover, his heirs and assigns, to build, maintain and keep in repair a dock or wharf upon and in front of his lands in said township of South Amboy, extending a sufficient distance into said Raritan bay for the accommodation of vessels navigating the same; *provided*, the said dock or wharf shall not obstruct the navigation of the said bay; *and provided*, that this act shall not affect the legal rights of any person whatever.

Proviso.

Proviso.

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 for, and shall make good all damages which the owner or owners may sustain. Penalty for injury.

3. *And be it enacted*, That it shall be lawful for all vessels to touch, make fast, load and unload at such dock or wharf, with the permission of the owner or owners thereof; and it shall be lawful for the said Richard S. Conover, his heirs and assigns, to demand, receive and collect reasonable compensation therefor. May demand wharfage.

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

Approved March 13, 1861.

CHAPTER CXIII.

AN ACT to incorporate the Hackensack Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David A. Berry, Manning M. Knapp, John Hopper, Garret G. Ackerson, and John H. Zabriskie, 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 Hackensack Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell Names of incorporators.

gas, to be made of bituminous coal or other suitable materials, for the purpose of lighting the streets, buildings, manufactories, and other places in and adjacent to the village of Hackensack, in 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.

Corporation
authorized to
lay down pipes

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 Hackensack and places adjacent, 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 at 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.

Proviso.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That David A. Berry, Manning M. Knapp, John Hopper, Garret G. Ackerson, and John H. Zabriskie, are hereby appointed commissioners for receiving subscriptions for the sum of ten thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five 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 Hackensack as they shall designate by public advertisement, previously inserted for at least three weeks in a newspaper

printed at Hackensack, and shall keep the same open as long as they 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, not exceeding ten per cent. on each share subscribed, which shall be paid over to the directors of the said company, to be appointed as herein-after 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 ten thousand dollars, and are also authorized to call upon the subscribers, by public advertisement in a newspaper printed at Hackensack, for three weeks, or by written notices, 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.

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, and at such time and place in said township 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

Election of directors.

said village 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; and any vacancy in the said board of directors may be supplied by appointments 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.

Failure to elect
not to invali-
date charter.

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.

Quorum.

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.

Stock trans-
ferable.

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.

Penalty for in-
juring works.

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 whatsoever, or any thing 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 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 a civil suit hereby authorized to be

Proviso.

brought for any such injury as aforesaid, by and in the name of the said corporation, in any court having cognizance of the same.

9. *And be it enacted*, That the said company shall have Company may borrow money 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.

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

Approved March 13, 1861.

CHAPTER CXIV.

AN ACT to set off from the township of Clinton and the town of Orange, in the county of Essex, a new township, to be called the township of South Orange.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Clinton and the town of Orange, lying within the following described lines and boundaries, to wit: beginning at a point in the boundary line between the town of Orange and the city of Newark, one half of a mile north from South Orange Avenue; thence, southerly, along said line to the middle of the aforesaid avenue; thence, southerly, to the bridge over the Elizabeth river, in the road near the house of William Stockman, in the township of Clinton; thence, to Boundaries of new township

the north-westerly corner of Daniel Hedden's house; thence, to the bridge in the road, near the house of Charles E. Lum; thence, to a bridge in the road leading from O'Rouk's house to Irvington, near the house of A. Smith; thence, to a bridge on the Newark and Springfield turnpike, over the same stream or watercourse near the house of William Avery; thence, to a bridge in the road leading from Middleville to Irving Place, near the house of C. M. Daws; thence, along the same stream or water course to the boundary line of the township and county of Union; thence, westerly along said line, to the boundary line of the township of Milburn; thence, northerly and north-westerly along said boundary line of the townships of Milburn and Clinton to Mark's Mill; thence, from Mark's Mill to the south-east corner of James E. Smith's land on the top of the first mountain adjoining the Walker road; thence, in a straight line midway between Ludlow Patten's house and barn; thence, in a straight line to the south-west corner of G. W. Wheeler's lot on Centre street; thence, to the north-west corner of Orange poor farm; thence, southerly, around said farm to the north-east corner of the same; thence, direct to the place of beginning, shall be and hereby is set off from the town of Orange and the township of Clinton, in the county of Essex, and made a separate township, to be called and known by the name of the township of South Orange.

Incorporation
of township of
South Orange.

2. *And be it enacted*, That the inhabitants of the township of South Orange are constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of South Orange, in the county of Essex," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Essex are or may be entitled to, or subject to, by existing laws of this state.

First town
meeting.

3. *And be it enacted*, That the inhabitants of the township of South Orange shall hold their first town meeting at Academy Hall, in South Orange, in said township, on the second Monday in April next, according to the provisions of

an act authorizing the inhabitants of the township of Orange, in the county of Essex, and other townships, to vote by ballot, approved March twenty-eighth, eighteen hundred and forty-five, and that a majority of the qualified voters assembled at the time and place of holding the said first town meeting shall elect the judge and clerk to conduct the election.

4. *And be it enacted*, That the town committees of the townships of Clinton and South Orange, and five members of the common council of the town of Orange, shall meet on the Monday next after the annual town meetings in said townships, at the place hereinbefore mentioned, in South Orange, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said town and townships all properties and moneys on hand or 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 the township of South Orange shall be liable to pay their just proportion of the debts, if any there shall be; and if any of the persons comprising either of the township committees, or the five members of the aforesaid council of Orange, should neglect or refuse to meet as aforesaid, those assembled shall proceed to make the said division, and the decision of a majority of those present shall be final and conclusive; that that part of the town of Orange which once was a part of the township of Clinton shall not be entitled to any part or share of any funds or property belonging to the town of Orange, excepting the school fund; neither shall the said part of the town of Orange be liable for any debts now owing by the said town of Orange.

5. *And be it enacted*, That the person who shall, at the first town meeting held for the election of town officers, be elected superintendent of public schools for said township of South Orange, is hereby authorized and empowered to collect and receive from the several town superintendents of the town of Orange and township of Clinton, within twenty days after his election, all moneys apportioned and due to the several

public school districts heretofore belonging in the said town of Orange and township of Clinton, and now included in the township of South Orange; and it shall be the duty of the said town superintendents of the town of Orange and township of Clinton to make out and deliver to the superintendent of the township of South Orange a statement of the amount due to each school district in said township of South Orange.

6. *And be it enacted*, That this act shall take effect on the first day of April next.

Approved March 13, 1861.

CHAPTER CXV.

AN ACT to incorporate the New Brunswick, Millburn and Orange Railroad Company.

Names of corporators.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Samuel F. Headley, Amzi Condit, Simeon Harrison, Napoleon Stetson, Robert S. Hutchinson, James E. Smith, Aaron Peck, Ira C. Voorhees, Theodore Neilson and Charles A. Lighthipe, 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 New Brunswick, Millburn and Orange 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 corporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one million dollars, and shall be divided into shares of one hundred dollars each, which shall

be deemed personal property, and be 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 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, giving at least twenty days' notice of the same in three of the newspapers published in this state, that is to say: in one published in Union, one in Essex and one in Middlesex counties; and that at the time of subscribing, five per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as five hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose eleven 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 said above named persons, or any three 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 shall deliver over the subscription books and moneys paid in, deducting all expenses previously incurred, and their own reasonable compensation 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 wherein they may happen, by the said board of directors, or a majority of them; and in

a Commission-
ers to open
books of sub-
scription.

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.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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 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 offices until others shall have been chosen in their places.

Duties and
powers of
directors.

5. *And be it enacted*, That six 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 the said company by such installments and at such times as they may direct; and in case of the non-payment of the 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 also, shall have power to appoint a secretary and as many clerks and persons 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.

Route of road,
&c.

6. *And be it enacted*, That the said company be and they hereby are authorized and invested with all the rights and powers necessary and expedient to survey, lay out, locate and alter the location thereof, construct, maintain and operate a railroad from some point at or near the city of New Brunswick, in the county of Middlesex, passing not over one mile west of the city of Rahway, to some point in the township of Millburn, in the county of Essex, not exceeding one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it may be necessary to take more land for the slope and protection of

the side banks of said railroad, in which case so much land as may be necessary, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary, with power to intersect any railroad now constructed or hereafter to be constructed, and with power to erect and maintain the necessary viaducts over all streams, rivers and canals on the route of said road as surveyed, located or re-located, and deposited as hereinafter provided in the office of the secretary of state; and it shall be lawful for the said company, their agents, engineers, superintendents or others in their employ, to enter at all times upon all real estate, lands and waters, for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same and altering the location thereof, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route and location, or the alteration of location, of any part 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 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 real estate, lands and waters, and to erect embankments, viaducts, and all other necessary works thereon, and to lay rails; and may take and use any stone, gravel, sand, clay or other earth on or near the said route which may be required for the construction or repair of the said road or any of the works or appendages thereof, and do all other things which may be suitable and necessary for the completion or repair of the said railroad, and to carry into full effect the objects of this act, first making such compensation, and upon such terms as are hereinafter provided for; *provided always*, that the payment, Proviso. or the tender of the payment, of all damages, for the use, appropriation or occupancy of lands and real estate through which the said railroad may be laid out, be made before the said company, or any person under their direction, 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 or real estate be first had and obtained.

Proceedings
when com-
pany and
owners can-
not agree.

7. *And be it enacted*, That when the said company or its agents shall fail to agree with the owner or owners of such required real estate, lands or materials for the use, appropriation or purchase thereof; or when by reason of the legal incapacity or absence of such owner or owners, or any other cause, no such agreement shall be made, a particular description of the land, real estate 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 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 parties 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 twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which place and 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 this state, commissioners to examine and appraise the said land, real estate or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land, real estate or materials, 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 said company for such lands, real estate 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, real estate or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, or in case of an appeal, the verdict of a jury and the judgment of the court therein, or a copy thereof certified by the clerk of the supreme court, shall (the appraisement and damages found or assessed, with the costs adjudged, being first paid or tendered and deposited in the supreme court,) at all times be considered as plenary evidence of the right of the said company to have, hold, use, appropriate, occupy, possess and enjoy the said land, real estate or materials; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid under the circumstances of the case.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land, real estate or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to 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, or in the discretion of the court, at some

Parties aggrieved may appeal.

subsequent term of the circuit court to be holden in the said county where the lands or real estate lie, 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, real estate 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 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; *provided*, that such application shall not prevent the company from taking the said land, real estate or materials upon the filing of the aforesaid report, and payment, or tender of payment or deposit in the supreme court of the amount so assessed and found by said report.

Proviso.

How road
shall be built.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient ways or passages on 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 prevented thereby; and when the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon ways on or under said railroad, so that persons may conveniently pass the same; and where the said railroad shall cross any stream, river or canal navigated by vessels with masts, viaducts shall be built on the same, with a draw of at least forty-eight feet in width, and the company shall have said draws properly attended and with proper lights and signals; and in all other cases such viaducts shall be built high enough above the water to permit the free passage of vessels which commonly use such streams.

10. *And be it enacted*, That the president and directors of

said company shall have power to construct, or cause to be constructed, or to purchase with the funds of the company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property thereon, as they may think reasonable, expedient or right; and may demand and receive for the transportation of passengers and every species of property, such sums of money and rates of fare and freight as to said company shall seem expedient from time to time; *provided*, they shall not charge more than three cents per mile for each passenger, and six cents per ton per mile for the transportation of every species of heavy merchandize on said road, and for dry goods and packages and express freight, such reasonable rates as shall be fixed by the board of directors; *and provided also*, that the present general laws relating to the subject of rates of fares and transportation on railroads shall be binding upon said company; and said company may and shall be regulated thereby in their charges.

Rates for transportation

Proviso.

Proviso.

11. *And be it enacted*, That the president and directors of 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 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 or proper.

Dividends.

12. *And be it enacted*, That the said company may have and hold real estate at or near the termination and commencement of the said road, and the several stations thereon, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

May hold real estate.

13. *And be it enacted*, That if any person or persons shall

Penalty for injury to works.

wilfully or maliciously injure the said road, or any building, works, machinery, of the said corporation, such person or persons 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.

State tax to
be paid.

Proviso.

14. *And be it enacted*, That from and after the completion of the said road, the said corporation shall pay into the treasury of this state yearly and every year, a tax of one-half of one per centum on the cost of the said railroad, and that no other or further tax or imposition shall be levied or imposed upon the said company; *provided nevertheless*, that in addition to the above, if any railroad shall intersect or be attached to the railroad hereby established, so as to make a continued line of railroads carrying passengers across the state of New Jersey, between the states of New York and Pennsylvania respectively, then it shall be the duty of the treasurer of this corporation, under oath or affirmation, to make quarterly returns of the whole amount of money received by the said company from passengers transported over the whole line of the road hereby chartered, and the number of tons of goods, wares and merchandize transported over the whole line of the road hereby chartered, to the treasurer of the state for the time being, and thereupon said company shall pay quarterly to the said treasurer of this state nine cents for every dollar so received for every passenger so transported over the whole line of the road hereby chartered, and thirteen cents for every ton of such goods, wares and merchandize so transported over the whole line of the said road hereby chartered; and that this corporation shall make the annual returns required of railroad corporations by the laws of this state.

Limitation.

15. *And be it enacted*, That if the said railroad shall not be commenced in three years from the first day of January next, and completed at the expiration of ten years from the first day of January next, then and in that case, except as to the part constructed, this act shall be void; and that the company shall construct their road so that their track, where it

crosses the track of the Central Railroad, shall be either on a level, or sixteen feet in the clear above, or sixteen feet below the level of the track of the Central Railroad, which crossing shall be east of the village of Westfield, in the township of Westfield; and it shall be the duty of the company, if they construct their track on the level with the track of the Central Railroad, to construct said crossing and all necessary fixtures so that no obstructions shall be caused thereby to the safety and free passage at all times of the trains upon the Central Railroad, and shall for the safety of passengers and trains passing said crossing, keep a flagman at the crossing to signal any approaching train, car or engine upon the road, to stop until any approaching train upon the Central Railroad shall have passed said crossing.

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

17. *And be it enacted*, That the governor, the attorney general, 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, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved March 13, 1861.

CHAPTER CXVI.

A further supplement to an act entitled "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six.

Testimony
may be taken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions at law founded upon contract and commenced by writ of *capias ad respondendum*, it shall be lawful at any time within thirty days after any defendant shall be arrested by virtue of such writ, for a justice of the court out of which said writ shall issue, and upon the application of such defendant, and upon two days notice in writing to the plaintiff or his attorney of such application, to make an order for the taking of testimony concerning the truth of the affidavit or affidavits, and proofs upon which the order for said writ was made and said writ issued, which testimony shall be taken orally before said justice, or in writing before any supreme court commissioner or master in chancery, that the said justice shall nominate and appoint, which testimony when taken before such commissioner or master shall be filed in the clerk's office of the court out of which said writ issued; and if from the testimony so taken, the said justice shall be of opinion that the said writ was improperly or improvidentially issued, or should not have been issued against the defendant or defendants therein, the said justice shall order the said defendant or defendants discharged upon common bail, or take such order for his or their discharge from arrest or imprisonment, and discharge of his or her bail, as the nature of the case may require, and upon such terms as he shall deem equitable and just.

Supreme court
commissioner.

2. *And be it enacted*, That every commissioner to take special bail and to administer oaths and affirmations, appointed

or to be appointed by the supreme court of judicature of this state, by virtue of any law of this state, shall be named and styled a "Supreme Court Commissioner," and such as shall hereafter be appointed shall be commissioned accordingly.

3. *And be it enacted*, That in all actions founded upon contract, where the plaintiff is now entitled to an assessment of damages by the court or clerk, upon judgment by default, the plaintiff shall be entitled to final judgment upon the expiration of the time limited for pleading, in default of a plea or demurrer by the defendant, unless such rule as is now required by law to be entered by the defendant to obtain a writ of inquiry, or assessment of damages in open court, shall be entered before the time limited to the defendant for pleading has expired. Judgment in default of plea, &c.

4. *And be it enacted*, That all acts and parts of acts in-Repealed. consistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 13, 1861.

CHAPTER CXVII.

A further supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed the twenty-ninth day of January, one thousand eight hundred and thirty-five.

Time extended for completion of road, and an increase of capital stock allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period of six years named in the third section of a further supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," approved March sixth, eighteen hundred and fifty-five, shall be and the same is hereby extended for the further period of six years, to be computed from the passage of this act, and it shall be lawful for the said Morris and Essex Railroad Company in constructing the branch or lateral roads mentioned in the second section of the supplement to their original charter, passed March two, eighteen hundred and thirty-six, to build such branch or lateral roads from any point of their main road to or near any of the points named in said second section, and to continue and build the said branch roads to a point of connection with any other railroad in this state northerly of their said main road, in the same manner and with the same powers and privileges provided in said second section; and the said company is hereby authorized to increase their capital stock in the further sum of five hundred thousand dollars; and for the purpose of carrying into effect the objects and purposes of this act and the complete execution of the same, the said company shall be and they are hereby invested with all the provisions, powers, authority and privileges given and granted by their original act of incorporation and the several supplements thereto, and also subjected to all the duties, responsibilities, restrictions and provisions contained in said acts.

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

Approved March 13, 1861.

CHAPTER CXVIII.

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

WHEREAS, the line of the Newark and Pompton turnpike road has, by encroachment and other causes, become deranged and uncertain, leading to disputes and contentions, and making it desirable that measures be taken to define the same—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Zenas S. Crane, Joseph K. Oakes, and Caleb D. Baldwin, be and they are hereby appointed commissioners to ascertain, define and establish the line of the Newark and Pompton turnpike road, or so much of the same as may have become uncertain; and said commissioners are hereby authorized to designate such line so defined and ascertained by them by putting down some suitable and notable marks or monuments, and by making a map or survey thereof, showing such line or so much of the same as from time to time they may ascertain and define, which map or survey being made and signed by said commissioners, or a majority of them, shall be filed in the office of said company,

Preamble.

Commissioners to mark line, &c.

Proviso.

and shall be competent evidence in all courts and places to show where such line actually is; *provided*, no more tolls shall be required from persons traveling on said road and the branch to Pine Brook, in coaches, wagons, or other conveyances with springs, than may be required from persons traveling in ordinary conveyances without springs.

Commissioners to take oath.

2. *And be it enacted*, That the said commissioners shall, before entering on their duties, take and subscribe before some person authorized to administer the same, an oath or affirmation, faithfully and impartially to execute said duties, according to the best of their ability and understanding; and in case of vacancy by death, refusal to serve, or other cause, the governor may, on application of the president and directors of the Newark and Pompton Turnpike Company, appoint their successor or successors.

Respecting election of directors.

3. *And be it enacted*, That if the annual meeting of the stockholders, directed by the second section of the act to which this is a further supplement to be holden on the first Tuesday of May for the election of directors, should by reason of non-attendance or other causes not be holden, then the directors previously elected and then in office shall hold over and continue to be such directors until others shall be elected.

Public act.

4. *And be it enacted*, That the act to which this is a further supplement is hereby declared with its supplements to be a public act, and that this act shall take effect immediately.

Approved March 13, 1861.

CHAPTER CXIX.

A further supplement to the act entitled "An act relative to the public streets in the town of Millville, in the county of Cumberland."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act entitled "An act relative to the public streets in the town of Millville, in the county of Cumberland," which said supplement was approved February eighth, one thousand eight hundred and sixty, be and the same is hereby revived; and it shall be lawful for the township committee of Millville township to apply to the court of common pleas of the county of Cumberland, at any term of said court within two years after the approval of this act, for the purposes in the said supplement specified, and such proceedings may thereupon be had in all respects as if the said supplement was now again re-enacted. Former act revived.

2. *And be it enacted*, That the said township committee shall have power to build a lock up in said township, for the purpose of confining disorderly persons; *provided*, that a plurality of the voters present at the next or any subsequent town meeting shall approve the same. May erect town prison. Proviso.

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

Approved March 13, 1861.

CHAPTER CXX.

A supplement to an act entitled "An act to authorize the partition of lands, in cases where particular undivided shares therein are limited over," approved March sixth, eighteen hundred and fifty-two.

Sale of lands
in certain
cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings for the partition of lands, where all or any of the undivided shares thereof is or are limited over, in the manner specified in the first section of the act to which this is a supplement, a sale thereof may be made, upon an order or decree of the court of chancery, when such proceedings shall have been commenced in that court; but no such sale shall be ordered, unless a division of said lands cannot be made without impairing their value to the extent of at least one-fourth part thereof, and shall be so reported or otherwise made to appear to the satisfaction of the chancellor.

Shares not
held in fee
simple, how to
be secured.

2. *And be it enacted*, That in all such partition proceedings, when a sale shall be made as aforesaid, such sale and deed to the purchaser shall convey the title to such lands of all the tenants, either in possession, remainder, reversion, or expectancy; but the net proceeds of the sale of any share not held in fee simple or limited over, shall be invested and kept invested in the name of the state of New Jersey, under the order and direction of the court of chancery, for the use of the person or persons owning such share, upon bond secured by mortgage to said state, either upon the property so sold, or any part thereof, or the fee simple of other unincumbered real estate in this state, worth at least double the principal sum so secured thereon; two-thirds of which value shall be in the land itself, independently of any buildings thereon; and such bond and mortgage, after being duly recorded, shall

be filed in the office of the clerk in chancery, and there remain as of record until duly satisfied and discharged; and said clerk shall be authorized to certify copies thereof, under the seal of said court, and such copies so certified shall be evidence as other records and files of said court are when so certified; and the interest accruing on such bond shall be paid yearly or half-yearly, according to the condition thereof, to the person or persons who would have been tenant or tenants of the particular estate of such share if there had been no such sale thereof, his heirs, executors, administrators or assigns, and shall be so secured by the condition of such bond and mortgage; and the principal and the interest also, when not paid as aforesaid, shall be collected under the order and direction of the court of chancery.

3. *And be it enacted*, That whenever all or any portion of the principal sum of money, so as aforesaid secured, shall be collected, it shall be paid only to the said clerk in chancery, and when so paid, it shall be considered as in that court, and shall there remain until paid out or re-invested under the order and direction of that court; and said clerk and his sureties shall be responsible therefor, and no other payment shall discharge such bond and mortgage, or authorize any county clerk to discharge the registry or record thereof; and the said clerk in chancery shall be entitled to one quarter of one per cent. on all moneys paid into said court and re-invested or paid out, under or by virtue of this act, to be taken out of the income or interest, and not out of said principal; and whenever the particular estate or estates in such share of said lands, would have been determined and the same become vested in fee simple absolute, if no such sale thereof had been made, then the said principal shall be paid, or such bond and mortgage assigned, under the order and direction of said court of chancery, to the person or persons in whom such share would then have become vested, in fee simple absolute, had no such sale been made, his or their heirs or assigns.

Moneys to be paid into the court of chancery.

Penalty for violation of act.

4. *And be it enacted*, That if any master in chancery, clerk, or other person shall, wilfully, embezzle or convert to his own

use, any money that shall come to his hands, under or by virtue of the provisions of this act, or the act to which this is a supplement, he shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment at hard labor, or otherwise, not exceeding two years, or by fine, not exceeding one thousand dollars, or both.

Repealed.

5. *And be it enacted*, That the second, third and fourth sections of the act to which this is a supplement, and also the supplement thereto, which was approved on the fourth day of March, eighteen hundred and fifty-three, be and the same are hereby repealed, and that this act shall take effect immediately; *provided*, that such repeal shall in no wise affect any suit or proceeding now pending, but such suit or proceeding may be continued and prosecuted as if this act had not been passed.

Provided.

Approved March 13, 1861.

CHAPTER CXXI.

AN ACT revising and amending the act to incorporate the city of Paterson.

TITLE FIRST.

INCORPORATION AND DIVISIONS OF CITY.

Incorporation
of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of all that part of the county of Passaic embraced within the limits of

the city of Paterson, as now established by law, be and they are hereby constituted and continued a body corporate and politic in fact and in name, by the name of "The Mayor and Aldermen of the city of Paterson;" and they and their successors may use a common seal, and by their corporate name shall be in law within the limits and under the restrictions hereinafter prescribed, capable of purchasing, holding and conveying for the public use of said corporation, any estate, real or personal, that the public good requires to be so purchased, held or conveyed; and the said mayor and aldermen of the city of Paterson and their successors, shall, by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and in equity, in possession, reversion or remainder which at the time of the passing of the original act were vested in or belonged to the inhabitants of the township of Paterson in their corporate capacity, and which since that time have become vested in or belong to the said the mayor and aldermen of the city of Paterson in their corporate capacity, and shall be liable to pay as well all the just debts which the said inhabitants of the township of Paterson owed in their corporate capacity as all just debts heretofore incurred by the said the mayor and aldermen of the city of Paterson.

2. *And be it enacted*, That the city of Paterson shall be divided into five wards, as heretofore constituted by law, the boundaries of which shall be as follows: Boundaries of wards.

I. All that part of the said city lying south of a line commencing at the point at which the Little Falls turnpike road crosses the boundary line of said city, thence running down the middle of the said turnpike, with the several courses thereof, to Congress street; thence, easterly along the middle of Congress street, to the middle of Cross street; thence, southerly along the middle of Cross street, to the middle of Oliver street; thence, westerly along the middle of Oliver street, to the middle of Marshal street; thence, southerly along the middle of Marshal street, to the boundary line be- South Ward.

tween the city of Paterson and the township of Acquackanonk, shall constitute the south ward of said city.

Fifth Ward.

II. All that part of the said city beginning in the middle of Congress street, at the point where it crosses the central line of Main street, and running thence, easterly along the middle of Congress street, to Market street; thence, easterly along the middle of Market street, to the boundary line between the city of Paterson and the township of Acquackanonk, thence, westerly, along the said boundary line, the several courses thereof, to the middle of Marshal street; and thence, northerly along the middle of Marshal street, to the middle of Oliver street; thence, easterly along the middle of Oliver street, to the middle of Cross street; thence, northerly, along the middle of Cross street to the middle of Congress street; and thence, easterly along the middle of Congress street to the place of beginning, shall constitute the fifth ward of said city, and a part of the first assembly district of the county of Passaic.

West Ward.

III. That all that part of the said city beginning at the said point where the Little Falls turnpike road crosses the boundary line of the said city; thence, down the middle of said turnpike road, with the several courses thereof, to Congress street; thence, easterly along the middle of Congress street, to the corner of Main street; thence, northerly along the middle of Main street, to the middle of the Passaic river, at the lower or present county bridge; thence, up the middle of the Passaic river, with the several courses thereof, to the boundary line of the said city at the most westerly point, and thence along the line to the place of beginning, shall constitute the west ward of said city.

East Ward.

IV. All that part of the said city beginning at the said lower or present county bridge, in the middle of the Passaic river; thence, running southerly, along the middle of Main street, to the middle of Congress street; thence, easterly along the middle of Congress and Market streets, to the New York and Erie railroad; thence, along the middle of the road leading to the Presbyterian Cemetery, until it meets the east-

ern boundary line of the said city; thence, northerly and northwesterly along the said boundary line, to the middle of the Passaic river; thence, up the said river, the middle thereof, to the place of beginning at the said lower or present county bridge, shall constitute the east ward of said city.

V. All that part of the said city beginning in the middle North Ward. of the Passaic river, south of its intersection by the Oldham Brook at Totowa; running thence, north, to the middle of said brook, and along the same, to the southerly line of the Totowa road; north-easterly along said line, to the north-easterly line of Madison street; north-westerly along said line, to the south-easterly line of the Burhans lane; north-easterly along said line, to the south-westerly line of the old Pompton road; south-easterly along said line, to the westerly line of land of the heirs of Daniel Holsman, deceased, adjoining land of Cornelius P. Hopper; north-easterly along said line, to the Van Norden line; easterly along said line, and the courses thereof, to the middle of the Passaic river; along the middle of said river, the several courses thereof, up stream, to the beginning; and all that portion of said city beginning in the westerly side of the Passaic river, in the line of lands of Garret I. Blauvelt and George Petry, and running from thence, along the said line of lands between the said Garret I. Blauvelt and George Petry, a north-westerly course, to the old patent line; thence, easterly along the said patent line, to the southerly line of the Paterson and Hamburg Turnpike company's road; thence, in a southerly direction along the southerly line of said road, until it intersects the north-westerly line of the city of Paterson, shall constitute the north ward of said city.

TITLE SECOND.

ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

3. *And be it enacted*, That the city officers shall consist of City officers. a mayor, a clerk of the city, an overseer of the poor, two

coroners, and such other officers as are hereinafter mentioned.

Ward officers. 4. *And be it enacted,* That the ward officers of said city shall be two aldermen, one assessor, one collector, one chosen freeholder, two surveyors of highways, one judge of election, one commissioner of appeals in cases of taxation, one clerk of the ward and one constable, and such other officers as are hereinafter mentioned.

Aldermen. 5. *And be it enacted,* That the board of aldermen shall consist of two aldermen in and for each of the wards of said city, who shall be divided into two classes as heretofore, and each of the said wards, shall at the annual charter election, elect one person as alderman of said ward, who shall hold his office for the term of two years; *provided,* that nothing herein shall change the term of office of any alderman of the present board as it is now constituted.

Proviso.

Elections. 6. *And be it enacted,* That an election shall be held in each of the wards of said city on the second Monday in April next, and on the second Monday in April in every succeeding year thereafter, between the hours of eight o'clock in the morning and seven o'clock in the evening, at such places as the mayor and aldermen of said city shall appoint; of which places the said mayor and aldermen shall cause notice to be published in two or more newspapers printed in the said city, at least one week before the day of election; at which election, until otherwise provided for by law, there shall be voted for and chosen from among the inhabitants of said city entitled to vote in the same, one person to be mayor of the city, one person to be clerk of the city, one person to be overseer of the poor, two persons to be coroners; and there shall be voted for and chosen in each of the said wards, from among the residents of said wards entitled to vote in the same, one alderman, one assessor, one collector, two chosen freeholders, two surveyors of the highways, one judge of election, one commissioner of appeals in cases of taxation, one clerk of the ward, one constable, and such other officers as are hereinafter mentioned.

Who may vote 7. *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 said charter election; and that every person voting shall vote in the ward in which he actually resides on the day of election, and in no other.

8. *And be it enacted*, That at the said annual charter election in each ward, the name of each elector voting at such election shall be written in a poll list to be kept at such election by the clerk of the ward; and after the poll shall be closed, the judge of election, collector and assessor of each ward, who shall be the judges of election, shall count the votes given for the several candidates and certify who are elected to the respective ward offices, under their hands, and within three days after such election deliver such certificate to the clerks of the wards, and also copies thereof to the clerks of the city and of the county, to be by them filed and preserved in their respective offices; and the said judges of election shall make a separate certificate of the number of votes given to candidates for city offices, and deliver the same to the city clerk within three days after such election.

9. *And be it enacted*, That the clerk of the city and the mayor and aldermen shall add together the votes so certified from the several wards, and the persons having the highest number shall be declared elected, and certificates of the result shall be recorded in the book of minutes of the city, and a copy thereof be filed in the office of the clerk of the county; and the persons so declared elected to the offices for which they have been voted for respectively, as well for city as for ward officers, shall enter upon the duties of their respective offices on the first Monday after their election, and continue therein one year, and until others are elected and enter into office in their stead; except aldermen, who shall hold their office for the term of two years, and until others are elected and duly enter into office in their stead; and that the first regular meeting of the mayor and aldermen shall be on the third Monday in April in each year.

10. *And be it enacted*, That said judges of election shall

How elections
shall be con-
ducted.

Return of
votes to be
made.

Duties of elec-
tion officers.

take the same oaths, and conduct such elections and make returns thereof in the same manner as township officers of election are or may be required by law to do, and as required by this act, 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 the 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 elections at any elections 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 said wards respectively shall procure election boxes for the use of their wards, in such manner and of such descriptions 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 provide such boxes and keep the same in repair.

Vacancies to
be filled.

11. *And be it enacted*, That in case of the death, resignation, inability, disqualification, refusal to serve, or removal out of the bounds of said city of any of the officers so elected at the annual charter election by virtue of this act, it shall be the duty of the city clerk, in case such vacancy shall take place in a city office, or of the clerk of the ward in case said vacancy shall take place in a ward office, to give at least one week's notice of a special election to fill such vacancy; and the person declared elected at such special election shall hold said office for which he shall be elected, for the unexpired term thereof, subject to the like duties and responsibilities, and entitled to the same benefits and emoluments as if elected at the annual charter election.

Mayor and al-
dermen to ap-
point places
for holding
general elec-
tions.

12. *And be it enacted*, That all elections hereafter to be held within the said city for members of the senate and general assembly, clerk, surrogate, sheriff, and coroners of the county of Passaic, and for members of congress, and electors of president and vice president of the United States, or for

any other officers of the general or state government, that may be eligible by the people, shall be held in the several wards of the said city at the place therein appointed by the mayor and aldermen for holding the city elections on the day now or hereafter designated by law for holding such elections, the polls shall be opened and closed at the hours prescribed by law, the judge and inspectors of election before mentioned shall preside at and conduct all such elections, and the clerks of the said wards shall be clerks of such elections in their respective wards; every person in said city entitled to vote at such elections shall give his vote in the ward in which 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 vote or offer his vote in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed by law for fraudulent voting.

13. *And be it enacted*, That the mayor and aldermen shall from time to time appoint, by a majority of the whole number of the members of said board, at any regular meeting, a recorder, a city treasurer, a city attorney, a city physician, a controller, a street superintendent, a city marshal, one or more police constables, a collector of arrears of taxes, and such other subordinate officers not herein named as they shall think necessary for the better ordering and governing the said city, and the carrying into effect the powers and duties conferred and imposed upon the said the mayor and aldermen by this act; and every person who shall be appointed to any office under the provisions of this act shall be a resident and voter of the said city, and shall continue in office until his office shall be declared vacant, or until another person shall be appointed to succeed him and shall enter upon the duties of his office, except the recorder, who shall be appointed to hold his office in the manner and for the time hereinafter mentioned.

14. *And be it enacted*, That the city treasurer, controller, collector, recorder, street superintendent, city marshal, police constables, city clerk, and collector of arrears of taxes, shall,

Mayor and aldermen to appoint certain city officers.

Certain city officers to give bonds.

before they enter upon the duties of their offices, severally execute their respective bonds to the mayor and aldermen of the city of Paterson, in such sums and with such sureties as the said mayor and aldermen shall approve, conditioned for the faithful execution of the duties of their office, which bonds shall be filed and preserved in the city clerk's office, or with such persons as the mayor and aldermen may direct.

Officers to take
oath.

15. *And be it enacted*, That any person who shall be elected or appointed to any office, pursuant to the provisions of this act, shall, before he enters upon the duties of his office, take and subscribe before a justice of the peace or other legal officer for that purpose appointed, an oath or affirmation that he will faithfully and impartially execute the duties of his office according to the best of his ability, skill and understanding, which shall be filed and preserved in the office of the city clerk.

Duty of con-
stables elected

16. *And be it enacted*, That every constable of the said city, before he enters upon the duties of his office, shall take and subscribe before the clerk of said city an oath or affirmation, in the form prescribed for constables of townships in the nineteenth section of the act of the legislature entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," using the word "city" instead of the word "township;" and the said clerk, on receiving the certificate of the election of such constable from the proper ward officers, shall administer the said oath or affirmation, and endorse thereon the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation and endorsement thereon, in his office; and further, every constable of said city, before he enters upon the execution of his office, shall enter into bonds to the mayor and aldermen of the city of Paterson, with one or more sureties, to be approved of by the said mayor and aldermen, in such sum as the said mayor and aldermen shall direct; in the form as near as may be prescribed in the first section of the act of the legislature entitled "An act respecting constables," which bond shall be delivered to the clerk of the city,

who is hereby directed and required to record and file the same in his office; and the said mayor and aldermen are hereby directed and required, if need be, to prosecute the said bond, for and in behalf and to the use of all and every person or persons whatever, who may have sustained loss by the neglect or misconduct of the said constable; and all suits on such bond shall be prosecuted and conducted in the manner directed in the third section of the last mentioned act for prosecuting and conducting suits on constables' bonds.

TITLE THIRD.

POWERS AND DUTIES OF CERTAIN CITY OFFICERS.

17. *And be it enacted*, That the clerk of the city, the assessors, the collectors, the constables, police constables, street superintendent, commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of the highway, the overseer of the poor and the judges of election, elected or appointed under this act, shall respectively possess the powers and perform the duties of like officers of any township of this state, under such restrictions or increase of powers and duties as are imposed or conferred upon them respectively by this act; and the mayor and aldermen, collectively and individually, shall possess the powers and perform such duties as are conferred or imposed upon members of township committees by law, with such limitations or increase of powers and duties as are imposed or conferred by this act.

18. *And be it enacted*, That the mayor shall be the chief executive officer in the city of Paterson, and shall be the presiding officer of the board of aldermen, and shall have a vote therein, as any member thereof, and shall be and hereby is invested with all the powers which any police constable of said city is now or may hereafter be invested with; and that the said mayor is hereby authorized on witnessing any breach of the peace, forthwith to arrest and commit the offender for a hearing without issuing any warrant or process for that purpose; and that in case of any insurrection, riot, disturbance or disorderly assemblage, the mayor shall have the con-

trol of the constables and police force of the city, and the power to call upon the citizens for assistance if necessary in any such case; and where in his opinion it shall be necessary, he may call out the militia of the said city and employ them in quelling any such insurrection, riot or disturbance.

When the
mayor is ab-
sent.

19. *And be it enacted*, That when the mayor shall be prevented by sickness or temporary absence from the city from attending to the duties of his office, the board of aldermen may appoint one of their own number to act as mayor pro tempore, who shall possess all the rights and powers of the mayor during such sickness or temporary absence.

City treasurer.

20. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the said city, and disburse the same upon the order of the mayor and aldermen, but in no case shall the public money be drawn from the treasury except it be first specifically appropriated by the mayor and aldermen to some public object requiring the outlay; and the drawing the same shall in all cases be based upon full and detailed statements in writing, which shall be placed on file by the treasurer; and that the treasurer of the said city shall keep his account of the moneys raised by tax or loan since the last annual election, and of all receipts and expenditures by him, in such manner as the said mayor and aldermen shall direct; and the said treasurer shall, fifteen days next previous to the annual election, make out and deliver to the city clerk, to be by him filed in his office, a full and true account of the receipts and expenditures during the year, and the state of the treasury; and it shall be the duty of the said clerk to cause a copy of the said account to be published in two of the newspapers printed in said city, at least ten days previous to the day of the next annual election for city officers.

Controllor of
the city.

21. *And be it enacted*, That it shall be the duty of the controller of said city to keep an accurate account of all moneys due to the mayor and aldermen of the city of Paterson, to audit all claims against the same, to examine into the correctness thereof and the subject for which such claims are made, and to make a report thereon to said mayor and aldermen in writing, under his hand, as often as need be; and

when such report is by said mayor and aldermen approved, they shall order by resolution the treasurer of said city to make payment of such claims, and the controller shall ten days before each annual charter election present to the mayor and aldermen, in writing, a report of the financial condition of the city, giving in detail the items of assets and liabilities.

22. *And be it enacted*, That the clerk of the said city shall ^{City clerk.} also be clerk of the mayor and aldermen, and shall attend with them at their meetings, and keep a record of their proceedings in a book to be provided for that purpose, and shall keep the common seal and all the records, books, papers and documents of the city, and shall engross all the ordinances of the city of Paterson in a book to be provided for that purpose, with proper indexes; and each ordinance shall be signed in said book by the mayor and clerk; and he shall receive and pay over to the city treasurer, all moneys which by any law, ordinance or usage are paid to the city clerk, and report to the said board monthly the amount of such receipts and payments, and shall perform such other duties appertaining to his office as the said mayor and aldermen shall by ordinance prescribe.

23. *And be it enacted*, That all other officers of the city ^{Other officers.} whose powers and duties are not prescribed by law or this act, shall possess such powers and perform such duties appertaining to their respective offices, as the mayor and aldermen shall by ordinances, by-laws or regulations confer or impose.

TITLE FOURTH.

THE RECORDER'S COURT.

24. *And be it enacted*, That the recorder shall be appointed ^{Powers and duties of the recorder.} by the mayor and aldermen on or before the third Monday in April next, and on or before the third Monday in April in every successive third year, and shall hold his office for the term of three years from and after the first day of May next succeeding his appointment, and shall be commissioned in like manner as justices of the peace in and for the several counties of this state are commissioned, and be answerable in like

manner for the performance of the duties of his office as herein enjoined upon him; but the said recorder shall not, by virtue of his office, be authorized to try any civil action, except such as may be brought to recover a penalty under the ordinances of the said city, in which cases he may act as a justice of the peace in his civil capacity.

Duties of recorder in criminal cases.

25. *And be it enacted*, That the said recorder shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters as the justices of the peace appointed in and for the several counties of this state are or may be [by law entitled to use or exercise; and that the said recorder shall be] authorized and empowered to hear, try and determine all such matters and complaints of a criminal nature, as any two justices of the peace are or may be by law authorized and empowered to hear, try and determine; and upon conviction, to sentence in such manner as is prescribed in the thirty-fourth section of the act entitled "An act for the punishment of crimes."

Court of record

26. *And be it enacted*, That, unless when otherwise directed, all actions or proceedings before the recorder, under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by the act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto; and the court held by the said recorder in the city of Paterson, shall be a court of record, and vested, for the purposes mentioned in this act, with all such power as is usual in courts of record of this state.

Writs of subpoena.

27. *And be it enacted*, That the said recorder may, in all matters or cases pending before him in his said court, award and issue writs of subpoena ad testificandum into any county of this state.

May issue process.

28. *And be it enacted*, That the recorder of the said city shall be empowered on oath or affirmation made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, to issue a process in the corporate name of said city, either in the nature of a summons or a warrant, as to

the said recorder may seem most advisable, against the person or persons so charged; 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 three nor more than ten days from the service thereof; that such process shall state what ordinance the defendant or defendants is or are charged with having violated, and when and in what manner the same has been violated; and that on return of such process, or at the time to which the said recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings; and that the recorder shall, if judgment for the plaintiffs be rendered, forthwith issue execution against the goods and chattels and person of the defendant or defendants.

29. *And be it enacted*, That the city marshal and the police constables appointed or hereafter to be appointed by the mayor and aldermen of the city of Paterson shall be the ministerial officers of the said court, and in all cases, complaints or actions brought, made or instituted, or to be brought, made or instituted in the said court or before said recorder, whether of a criminal or civil nature, they shall have the same powers and perform the same duties, and receive the same compensation as constables of the county of Passaic upon complaints made to and tried by justices of the peace of the said county, and upon actions brought in the court for the trial of small causes. Marshal and constables.

30. *And be it enacted*, That every person against whom any judgment may be obtained before said recorder in said court for the violation of any of the ordinances of said city, shall have the right, in common with the mayor and aldermen, to appeal to the court of common pleas of the county of Passaic, in the same manner and upon the same terms and conditions as in the case of appeals taken from judgments rendered in the court for the trial of small causes in the state; and that the said court of common pleas shall have cognizance of, hear and determine such appeals, and give judg-

Proviso.

ment and issue execution in the same, in the same manner in all respects as upon appeals to said court from judgments rendered in the court for the trial of small causes; *provided however*, that an appeal may be made in all cases to the mayor and aldermen for a remission of any penalty that may be imposed.

Recorder to
make quarterly
statements.

31. *And be it enacted*, That the recorder shall make quarterly statements in writing in each year to the mayor and aldermen, of the number of complaints made, whether criminal or civil, of the suits instituted, of judgments rendered, with the names of the parties and the date of complaints in each case, and of the costs, fines and penalties collected and received; and shall without delay pay all such moneys so received, or which may otherwise have come into his hands, belonging to the said city, to the treasurer thereof.

Court room to
be procured.

32. *And be it enacted*, That the mayor and aldermen shall procure a suitable room or place in said city in which the said court shall be held; or the said recorder may, with the assent of the mayor and aldermen, procure such place himself; and the said court shall always be considered open for the business thereof except on Sundays.

TITLE FIFTH.

POWERS AND DUTIES OF THE MAYOR AND ALDERMEN.

Of ordinances.

33. *And be it enacted*, That the mayor and aldermen shall have power within the said city to pass all such ordinances, rules, regulations and by-laws as they may judge proper, for the following purposes:

Finances.

I. To manage, regulate and control the finances and property of the city.

Streets.

II. To regulate, clean and keep in repair the streets, alleys, sidewalks and highways in said city; to ascertain the boundaries of the same; to prevent and remove all obstructions and encroachments therein; to regulate the planting and preserving of ornamental shade trees in the streets and

grounds of the city; and to enforce the removal of snow and ice or dirt from the sidewalks and gutters of the owners or occupants of the premises fronting thereon.

III. To regulate the speed of riding and driving in said streets; to prevent persons riding or driving over the sidewalks; and to regulate the running and speed of locomotive engines and railroad cars through said city. How streets may be used.

IV. To level, grade, curb, pave, flag or gravel the streets, alleys or sidewalks of the city. Grading.

V. To provide lamps and gas to light the streets and public places of the city. Lamps.

VI. To establish one or more pounds, prevent or regulate the running at large of cattle, horses and swine, and to authorize the impounding and sale of the same for the penalty incurred, and for the cost of keeping and impounding; and to regulate and prevent the running at large of dogs; and to authorize the detention and destruction of those running at large, and to impose taxes on the owners of dogs. Pounds.

VII. To regulate or prohibit the keeping of swine. Swine.

VIII. To abate or remove nuisances in the city, of any kind, and to compel the owner or occupant of any lot, house, building, shed, cellar or place, where may be carried on any business, or upon which may exist any matter or thing detrimental to the health of the inhabitants of the said city, to cleanse, remove or abate the same; and to cause drains to be made in any part of the city. Nuisances.

IX. To prevent vice and immorality, to preserve public peace and good order, to suppress and restrain gaming and disorderly houses, to prevent and quell riots, disturbances or disorderly assemblages in any street, house, or place, in said city. Gambling and disorderly houses.

X. To regulate the keeping and transporting of gunpowder, and other combustible or dangerous materials; and to prevent the carrying on of manufactures dangerous in causing or promoting fires. Dangerous materials.

XI. To supply the city with water for the extinguishment of fires and other purposes. Fires.

Regulating
weighing and
measuring.

XII. To regulate the weighing or measuring of coal, hay, grain, or other articles; to regulate weights and measures in conformity with the standard established by law; and to cause any trader and dealer in merchandize of any description, which is sold by measure or weight, to cause his or her weights and measures to be sealed by the person for that purpose appointed, and to be subject to his inspection, and to fix rates of compensation therefor.

Vagrants.

XIII. To restrain vagrants, mendicants and street beggars.

Menageries,
&c.

XIV. To prohibit, restrain, regulate or license menageries or collections of wild beasts, and exhibitions of any interludes, farces or plays of any kind, or any games, tricks, jugglery, sleight-of-hand, or feats of uncommon dexterity, and all such like shows or public performances.

Auctioneers,
&c.

XV. To license and regulate auctioneers, common cryers, hawkers, peddlers and junk shop keepers, and to fix the rates of compensation therefor, and to prohibit unlicensed persons from acting in such capacities.

In the streets.

XVI. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction in the streets.

Obstructions
of streets.

XVII. To regulate subsequent erections or constructions of stoops, steps, platforms, additions, areas and descents to cellars and basements in or upon the streets of said city; and to regulate or prevent signs or posts, or erections or projections in, upon or over the streets or sidewalks of the city, and to remove the same, and to regulate and control the manner and place of building stables in the city.

Sale of country
produce.

XVIII. To prescribe and regulate the places for vending or exposing for sale hay, straw, wood from wagons, and other articles; and to prescribe and locate certain streets of the city to be used as public markets for the sale of country produce, and to regulate and prescribe the places for selling meat or fish in the streets of said city.

Fire patrol.

XIX. To enroll for gratuitous service a body of competent persons to protect property in case of fire, and to appoint watchmen when special circumstances shall require it, and prescribe their powers and duties.

XX. To prevent the sale of intoxicating liquors of any kind in said city, by less measure than one quart, unless license be obtained for that purpose as hereinafter provided. Sale of intoxicating liquors.

XXI. To fix and determine the compensation to be paid to any officer of said city, or other person employed by them, when no specified compensation is provided by this act or by any law. Compensation to officers.

34. *And be it enacted*, That the mayor and aldermen shall have power to make, alter, amend and repeal all such other ordinances, rules, regulations and by-laws 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 on them by this charter or by any other law of the state, and for the more effectual suppression of vice and immorality, and for the general government and good order of said city. May alter or repeal by-laws &c.

35. *And be it enacted*, That in all cases where by the provisions of this act the mayor and aldermen have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment, not exceeding thirty days, or by fine, not exceeding fifty dollars, to be recovered with costs in an action of debt, and in the name of "the Mayor and Aldermen of the city of Paterson," for the use of the said city, before the recorder of the said city, in which action the first process may be either a warrant or summons, and in which action it shall be lawful to declare generally in debt for the penalty, and to give the special matter in evidence; and further, it shall be lawful for the said recorder by whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment under his hand and seal, directed to the keeper of the common jail of the county of Passaic; and upon the trial of any issue or upon the judicial investigation of any fact in such action, to which "the Mayor and Aldermen of the city of Paterson" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his Penalty, &c.

being an inhabitant of the said city; and that the book of record of the ordinances of the said city shall be received in evidence of the due passage by the mayor and aldermen, of all ordinances and by-laws recorded therein.

TITLE SIXTH.

BOARD OF EDUCATION.

Board of education.

36. *And be it enacted*, That the board of education of the city of Paterson shall consist of two school commissioners from each ward of the city of Paterson.

How elected.

37. *And be it enacted*, That there shall be elected in each of the wards of said city, at the charter election, yearly and every year, one school commissioner, who shall be a resident of his ward and entitled to vote therein, and who shall enter upon the duties of his office on the first Monday after his election, and continue therein two years and until his successor is elected in his stead; the term of office of the members of the present board shall not be changed, but each shall hold his office to the full end of his term, as said board is now constituted; and the said school commissioners and their successors shall be and they are hereby incorporated by the name of "the board of education of the city of Paterson," and shall be vested with all the powers and privileges appertaining to corporate bodies, necessary to carry into effect the provisions of this act.

Liability for previous obligations.

38. *And be it enacted*, That the school committeemen of the several wards of the city of Paterson having, pursuant to law, conveyed and transferred to "the mayor and aldermen of the city of Paterson" all their respective corporate property, both real and personal, the said "the mayor and aldermen of the city of Paterson" shall assume and become liable to pay all the just corporate debts and liabilities of the said school committeemen, respectively; and the said "the mayor and aldermen of the city of Paterson" shall provide for the payment of said debt, and of such other debts and liabilities as may hereafter be incurred by said city for real

or personal property to be used for school purposes, by issuing bonds to secure the payment thereof, with interest, not exceeding seven per centum per annum, under the common seal and signed by the mayor of said city; *and provided*, that said bonds shall be redeemable at a period of time not more than twenty-five years from the issuing thereof; *and provided further*, that the whole indebtedness of said city for school purposes, whether by bond or otherwise, shall not at any time exceed the sum of fifty thousand dollars.

39. *And be it enacted*, That the mayor and aldermen of said city shall yearly and every year, until the said bonds shall be wholly redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in said city are assessed and collected, a sum of money sufficient to pay the interest on said bonds as the same falls due, and to pay and discharge the principal by the time the same shall be payable; and all such moneys so to be raised, are hereby inviolably pledged to pay the interest and principal of said bonds.

40. *And be it enacted*, That the said board of education shall meet in said city within ten days after the charter election in each and every year, and shall appoint a secretary from their own number, and shall elect by ballot one person to be superintendent of public schools, who shall be president of said board, and who shall be the executive officer of said board, but shall have no vote therein, and who shall continue in office for one year and until his successor shall be elected, unless sooner removed by said board; and the said board of education and the said superintendent, subject to their direction, shall have the control, regulation and management of the public schools of said city; and it shall be their further duty to visit every public school in said city at least once in every quarter, to advise and consult with the teachers, and cause the results of such visits to be entered in a book to be kept for that purpose by said board; and the said superintendent shall make a report in writing, and transmit the same to the state superintendent of public schools, on or before the

fifteenth day of December in each year, of the state and condition of the public schools in said city, the number of scholars taught therein, the length of time the schools are kept open during the year, and such other matters as may be by law required of him; and for his services he shall be entitled to receive one dollar for every day actually employed in the duties of his office, to be paid in the same manner as the other expenses of said schools shall be paid.

Secretary of
board.

41. *And be it enacted*, That the secretary of said board shall keep a record of their proceedings, which from time to time shall be published in one or more of the newspapers of said city; and all questions involving the payment of money, or creating any liability therefor, shall be taken by yeas and nays, which shall also be recorded by the secretary.

Quota of pub-
lic funds.

42. *And be it enacted*, That the said city shall be entitled to a full quota of the moneys appropriated by the trustees of the school fund to the county of Passaic, which, when received, shall be deposited with the city treasurer to the credit of the board of education.

Money to be
appropriated
from city
treasury for
school pur-
poses.

43. *And be it enacted*, That the said mayor and aldermen shall, on or before the first day of May yearly and every year, in addition to the sum to be raised for the payment of the debt and interest incurred for school purposes, appropriate from the city treasury a sum of money sufficient for the purpose of organizing and maintaining the public schools of said city, which sum in the aggregate shall not exceed ten dollars, nor be less than seven dollars per scholar, on the average number reported by the board of education as attending the public schools the preceding year, and after determining the sum of money to be so appropriated, they shall deduct therefrom the amount received or to be received from the school fund of the state for the current year, and the balance shall be raised by a tax, which shall be assessed and collected in the same manner and time that the other taxes of said city are assessed and collected; and whenever the mayor and aldermen shall have made the appropriation aforesaid, it shall be the duty of the city treasurer to place said

sum to the credit of the board of education of the city of Paterson, and the said treasurer shall pay on presentation all drafts drawn upon him by order of said board, duly attested by the signatures of the president and secretary, which draft shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the same; and endorsed by said person, to an amount not exceeding the balance remaining on his books to the credit of said board, and shall preserve such drafts as vouchers, to be exhibited in the settlement of his accounts as treasurer of the city of Paterson.

44. *And be it enacted*, That a majority of the whole number of school commissioners 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 a majority of the whole number of school commissioners; the said board of education shall prepare and transmit to "the Mayor and Aldermen of the city of Paterson," at least fifteen days before the charter election in each year, an inventory of all the property, real and personal, in their possession, used in said city for school purposes, and a report in writing embracing the number of schools under their charge, specifying their grades, the number of teachers employed therein, the number of pupils on the roll, the average attendance in each school, and the several items or bills of expenditure paid by said board during the year, under the respective heads of erections and repairs of school houses, the cost of school furniture, salaries of teachers, cost of school books and stationery, fuel and incidental expenses, together with such general remarks in regard to the progress and management of the schools as the said board may deem advisable; and the said board shall also, at the same time, prepare and transmit an estimate of the amount of moneys necessary for the support of public schools in said city for the ensuing year, which estimate shall be based upon the expenditure of the past year, and which shall particularly specify the sum required under the several heads as above stated, which report the mayor and aldermen

Board of education to make report.

Provide.

of the city of Paterson shall cause to be published in two or more of the public newspapers printed in said city, within ten days after receiving the same; and that the said board of education shall have the charge, possession, control and management of all the property, real and personal, used in said city for school purposes, and shall cause all necessary repairs to be made to the same; and are hereby empowered to organize and establish in said city such public schools as the public convenience may require, and to have the control and management thereof, and to select and employ teachers duly licensed by the board of examiners of said city, and such other officers as may be necessary; and to provide school furniture, books, stationery and fuel, and incur such incidental expenses for the maintenance of said public schools as may be necessary; *provided*, that the said board shall at no time incur any liability exceeding the amount appropriated by the mayor and aldermen of said city for school purposes; and to admit to said public schools, under such rules and regulations as said board may adopt, any child, from the age of five to eighteen years inclusive, whose parents or guardians reside in said city, and at their discretion may admit such other children as are under the charge and control of a resident of said city; and to make and enforce such by-laws and regulations for the government of said board and the public schools of said city as to secure and promote an economical and efficient system of public education; to appoint two citizens of said city to constitute, with the said superintendent, a board of examiners for teachers in said city, to fill any vacancy in board of education occasioned by death, resignation, removal out of the ward or other disability, by appointing a person to fill the unexpired term, who shall be a resident of the ward for which the appointment may be made, and entitled to vote therein; and the said board may declare vacant the office of any school commissioner elected or appointed aforesaid, who shall refuse or neglect to attend any three successive stated meetings of the board,

after having been personally notified to attend and giving no satisfactory reason for his non-attendance.

45. *And be it enacted*, That the board of examiners shall ^{Board of examiners.} meet at such time and place as they shall appoint, to examine and license by certificate, under their hands and seals, suitable persons as teachers of public schools in said city, having regard always to scholarship and moral character, which certificate shall specify in what capacity the person so licensed is qualified to teach, and shall be evidence thereof, and which license may be revoked at pleasure.

46. *And be it enacted*, That whenever the said board shall ^{Shall procure school houses, &c.} determine to establish a school or schools in said city, they shall procure a school house by hiring the same, or (with the assent of the mayor and aldermen of said city,) by purchasing a site and erecting necessary buildings thereon, according to plans and specifications which shall be laid before the said mayor and aldermen, and approved by them; the erection of which buildings, and the furnishing and fitting up thereof, and the altering, furnishing and fitting up of any hired or other building shall be done by contract, proposals for which shall be advertised in two of the newspapers of said city for at least two weeks previous to deciding thereon, unless such altering, furnishing and fitting up, shall not exceed the sum of two hundred dollars; and in all cases such contract shall be awarded to any responsible person proposing the lowest bid, who shall give satisfactory security to the said board for the due and faithful performance thereof, said board reserving the right to reject all such bids and readvertise for new proposals; and whenever any contract shall be made for purchasing a site for a public school in said city, or for erecting, altering, furnishing or fitting up any building for school purposes, it shall be the duty of said board of education to lay before the mayor and aldermen of said city, such contract, or a copy thereof, together with a statement showing in detail the amount of money to be paid by the city under such contract; and it shall be the duty of the said mayor and aldermen to appropriate from time to time such

sum or sums of money as may be required by the board of education for the purpose of performing such contract; and all sums of money so appropriated shall be subject to the draft of said board, and said board may, with the assent of the mayor and aldermen, sell or exchange, if necessary, any public school property in said city.

Books, &c.,
how to be
supplied.

47. *And be it enacted*, That all supplies of books, stationery and fuel, required for the public schools of said city, shall be obtained by contract, proposals for which shall be advertised as provided in the preceding section of this act, and the said board shall in all cases award the contract for any article or articles to any responsible party proposing the lowest price for the same who will give satisfactory security to said board; *provided*, that the board of education may at their discretion require the pupils to furnish their own books and stationery.

Proviso.

Title of school
property.

48. *And be it enacted*, That the title to all school property, real and personal, purchased with any money derived from the school fund, or raised by taxation or otherwise in said city, shall be vested in "the Mayor and Aldermen of the city of Paterson," and they shall keep all the public school property in said city insured in some solvent insurance company or companies.

How legal
proceedings
shall be con-
ducted.

49. *And be it enacted*, That all actions or other proceedings, brought or to be brought in any court of law or equity against any person or persons or body corporate, for damages for and on account of any injury to any property, real or personal, under the charge, control and management of the board of education, shall be in the name of "the board of education of the city of Paterson," notwithstanding that the legal title to said property may be vested in "the Mayor and Aldermen of the city of Paterson;" and all damages which may be recovered in such actions or proceedings shall be appropriated by the said board to the support of public schools in said city.

TITLE SEVENTH.

ASSESSMENT AND COLLECTION OF TAXES.

50. *And be it enacted*, That it shall be lawful for the Levy of taxes. mayor and aldermen of the city of Paterson to order the raising, and cause to be raised by tax, in each year, such sum or sums of money as they shall deem expedient, for defraying the expenses of the said city, and for all other objects and purposes authorized by this act, and for the payment of all the legal debts and liabilities of said city; which taxes when collected shall be paid to the treasurer of the said city, and be subject to the order of the mayor and aldermen.

51. *And be it enacted*, That the said city shall be entitled to its just quota of the annual appropriation of the school fund of this state, to be ascertained in the manner in which the quotas of the townships of this state now are or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of said city and be applied to the support of public schools in said city according to the provisions of this act. Annual appropriation of school fund.

52. *And be it enacted*, That the assessors of the several wards of said city shall assess upon persons and property within the said city, and the collectors of the several wards of said city shall collect the state and county taxes by law directed or required to be assessed and collected within said city, and also the taxes required to be assessed and collected for the use of the said city in the same manner, except as herein altered, and within the same time as the assessors and collectors of the township of Paterson were required by law to assess and collect the state and county taxes in said township. Assessors and collectors.

53. *And be it enacted*, That the said assessors of said city, How the assessment is to be made. in making the assessments so prescribed by law, are hereby directed and required to assess all lands, tenements and real estate, and all moneys, goods and chattels in the city of Paterson, together with all public stocks not exempt from taxation by law, and all stocks of incorporated companies, where

such stocks belong to residents of said city, shall be liable to taxation in the several wards of the said city where the same may lie or be found by the assessors, and shall be set down and estimated by the assessors of the several wards, at the full value thereof; and the taxes hereby and hereafter directed to be levied upon persons and property in said city or the wards thereof, shall be levied and assessed upon the persons therein liable to a poll tax, and the property aforesaid against the owner, occupier or possessor thereof, at such rate per dollar of the valuation aforesaid as will be sufficient to produce the sum required, together with the fees for assessing and collecting the same and a reasonable allowance for losses by delinquents after deducting the poll tax; and that the said assessors shall make their assessments on the lands, tenements and real estate of the said city, as nearly as may be according to the ward assessment maps furnished by the city; *provided however*, that all the property, real and personal, of the east and north wards of said city as comprised within the following boundaries, that is to say: that part of the east ward beginning at the point where the southerly line of said city intersects the Passaic river at Weezle, running thence (1) westerly along the said southerly line until it intersects the Duass line; (2) northerly along the Duass line to a point in line with the northerly line of Lafayette street: (3) westerly in a straight line to and along the northerly line of Lafayette street to the Passaic river; (4) along the said river, down stream, to the beginning; and that part of the north ward beginning in the westerly side of Passaic river, in the line of lands of Garret I. Blauvelt and George Petry, and running from thence along the said line of lands, between the said Garret I. Blauvelt and George Petry, a northwesterly course to the old Patent line; thence, easterly along the said Patent line to the southerly line of the Paterson and Hamburg turnpike company's road; thence, in a southerly direction along the southerly line of said road to a point opposite the southeasterly line of Burhan's lane, shall be exempted from taxa-

Proviso.

tion for the purposes of supplying the city with gas and water.

54. *And be it enacted*, That the poll tax shall be levied and assessed upon each person liable to such tax in the ward where he resides at the time of the assessment, and that the taxes levied and assessed under this or any other act, in said city or the wards thereof, shall be collected in the manner provided by law, and that the provisions of the act entitled, "a supplement to the act entitled an act concerning taxes," approved March fourteenth, eighteen hundred and fifty one, shall not be in force, or held to apply to matters of taxation in said city, or the wards thereof, except the provisions contained in the first, fifth, twelfth and thirteenth sections of said supplement.

Poll tax, and how taxes may be collected, &c.

55. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet on the second Tuesday of September in each year, at such place in said city as the mayor and aldermen shall designate through their clerk and upon the same notices given as were by law required for the meeting of the like officers of the township of Paterson; and when so met, shall have full power and authority to hear and determine on all complaints of unjust taxation, whether the same be assessed for the use of the state, county or city, in the same manner as the like officers of the township of Paterson were authorized and required to do; and it shall be the duty of the several assessors to attend at the same time and place before the said commissioners, and to offer such reasons as they may think proper in support of the assessment or assessments appealed from.

Commissioners of appeal in cases of taxation.

56. *And be it enacted*, That the assessors of the several wards of the city of Paterson shall meet on the first Monday in July in each year, and when so met they shall constitute a board of assessors for the said city, and may adjourn from time to time, and it shall be their duty as such board of assessors to review the several assessments made by the respective assessors of the several wards of the city, and to diminish, increase or alter any such assessments, in order that the

Board of assessors.

assessments on the property, whether real or personal, in the several wards of the said city, 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 city of Paterson, subject, however, as heretofore, to the action of the commissioners of appeal in cases of taxation; *and provided also*, that no assessment made by any assessor of any ward of said city, shall be diminished, increased, or altered, except by the vote of a majority of said board.

Previso.

Duplicates to be filed with clerk.

57. *And be it enacted*, That the collectors of taxes of said wards in said city shall, severally, within ten days after the time appointed by law for delivering unto a justice of the peace a list of the names of delinquents, deliver to the clerk of said city a true copy, under oath, of the duplicates of the assessments delivered to them by the assessors of the wards of said city respectively, for which service they shall each receive the sum of ten dollars, which duplicate shall be and remain the property of said city, and be preserved by the city clerk; and if any such collector shall neglect or refuse to comply herewith, he shall forfeit and pay to such city the sum of fifty dollars, to be sued for and recovered for the use of said city, with costs, before the recorder thereof.

Duty of collector of arrears.

58. *And be it enacted*, That the collector of arrears of taxes, appointed in said city, shall pay the sums collected by him to the treasurer thereof, and shall render unto the mayor and aldermen, as often as required, a report of collections made by him in each ward, setting forth therein the names of the persons from whom such taxes have been collected, with the amount collected from each.

Interest on arrears of taxes.

59. *And be it enacted*, That all taxes hereafter assessed in the city of Paterson, and remaining in arrears, shall bear interest at the rate of twelve per centum per annum from and after the first day of November in each year.

Taxes to remain as a lien.

60. *And be it enacted*, That any assessment of taxes hereafter made in the said city against any person or persons on account of any lands, tenements, hereditaments or real estate

of such person or persons or body corporate, shall be and remain a lien on all the lands, tenements, hereditaments or real estate on account of which said assessment shall be made as aforesaid, with the lawful interest thereon accruing, and all costs and fees in relation to said assessment and collection thereof, for the space of five years from the time when the taxes so as aforesaid assessed were payable.

61. *And be it enacted*, That in case any assessment of taxes as specified in the last preceding section, together with the interest thereon, and costs and fees aforesaid, shall remain unpaid for the space of one year after the taxes were payable, then and in every such case it shall and may be lawful for the mayor and aldermen of the city of Paterson to issue a warrant or warrants under their corporate seal, directed to any constable of said county therein and thereby commanding him to make said taxes, with the interest and costs and fees as aforesaid, of the lands, tenements, hereditaments or real estate on account whereof the same were assessed as aforesaid, by selling the same, or any part thereof, as will be sufficient for that purpose, for the shortest term for which any person or persons will agree to take the same and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses; and further directing the said constable to pay the money or moneys raised by such sale to the said mayor and aldermen of the city of Paterson, and to make return of such warrant or warrants and his proceedings thereunder to the mayor and aldermen, which return shall be filed by the clerk of said city.

62. *And be it enacted*, That the warrant specified in the last preceding section shall, before the execution thereof, be recorded by the clerk of said city in a book to be provided for that purpose, which said record thereof shall be received as evidence in the several courts of this state.

63. *And be it enacted*, That it shall be the duty of the said constable to whom such warrant shall be directed, as above specified, before he sells by virtue thereof, to give notice of the time and place of the sale of any lands, tenements, here-

Sales for arrears of taxes.

Warrant to be recorded.

Constable to advertise sale.

ditaments, or real estate, under this act, by advertisement signed by said constable, and inserted in a newspaper printed and published in said county, for at least sixty days, once in each week, before the time appointed for such sale, and also set up for the same period in five of the most public places in said city; *provided however*, such sale may be adjourned from time to time, not exceeding ninety days in the whole.

Proviso.

Title of lands,
&c., sold for
arrears of
taxes.

64. *And be it enacted*, That it shall and may be lawful for the said constable to whom such warrant shall be directed, at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands, tenements, hereditaments, or real estate, as may be set forth in said warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term, and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses, and thereupon to execute and deliver to any such person or persons a deed for the same, under his hand and seal, which deed shall recite the terms upon which and by whom such property may be redeemed; and such person or persons, and his, her, or their legal representatives shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, hereditaments, or real estate, during the term for which he, she or they shall have purchased the same, for his, her or their own proper use and benefit, against the owner or owners thereof, and all and every person or persons claiming under him, her or them, until said term shall be fully completed and ended, unless redeemed as hereinafter mentioned; and shall be at liberty at or before the expiration of said term, to remove any building or buildings, and materials, erected and placed by him, her or them thereon; and when said term shall have been ended, shall quietly and peaceably yield up the same to the lawful owner or owners thereof in as good condition as when he, she or they, took possession of the same, damage resulting from ordinary use and the elements excepted.

65. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands or real estate sold for taxes as aforesaid, may redeem the same at any time within one year from the time of such sale, by paying to the said purchaser, his executors, administrators or assigns, the amount so by him paid for the same, together with the amount paid for any fences erected, constructed or made thereon, with twelve per centum interest; and thereupon the said owner, mortgagee, or occupant as aforesaid, as the case may be, shall be entitled to re-enter and re-possess the said lands and real estate in the same manner, to all intents, as if such sale had not been made.

66. *And be it enacted*, That notwithstanding any mistake in the name or names, or omission to name the real owner or owners of any lands, tenements, hereditaments or real estate in the various wards in said city, in assessing the taxes on account thereof as aforesaid, such assessment shall be valid and effectual in law against said lands, tenements, hereditaments or real estate, and the same may be proceeded against and sold in the manner prescribed herein.

67. *And be it enacted*, That the constable to whom such warrant as aforesaid shall be directed, shall be entitled to receive the sum of one dollar for executing the same, and in addition thereto, two cents on each dollar by him collected and paid over to the mayor and aldermen; and for advertising the sale of any lands, tenements, or hereditaments or real estate for each delinquent, the same fees which the sheriff of the county is entitled to for the like services, and for a deed to the purchaser, the sum of two dollars.

TITLE EIGHTH.

STREETS, HIGHWAYS, SEWERS, AND ASSESSMENTS THEREFOR.

68. *And be it enacted*, That the mayor and aldermen are hereby authorized to prescribe by ordinance the manner in which the sidewalks of the said city shall be leveled, graded,

Proviso.

curbed, paved, flagged or graveled, by and at the expense of the owners or occupants of lots fronting on or adjoining said street or streets; *provided however*, that no street or sidewalk which has been graded or paved by any lawful authority, shall be changed unless at the expense of the city, and all damages which may be sustained by the owner or owners of lots and buildings by such change of grade, be paid.

Proceedings in
reference to
paving streets.

69. *And be it enacted*, That if any lot in front whereof the sidewalk shall by such ordinance or regulation be directed to be leveled, graded, curbed, paved, flagged or gravelled, and the owner or owners thereof shall neglect to comply with such ordinance or regulation within three months from its passage or adoption, and notice thereof, it shall be lawful for the said mayor and aldermen to cause said work to be done and an estimate of the expense of conforming to such ordinance or regulation with respect to such lot, to be made, assessed and certified by three impartial assessors, to be appointed by the said mayor and aldermen; and if such assessment be approved of by the mayor and aldermen, they shall cause an advertisement to be inserted in one or more of the public newspapers printed in said city, for one month, stating the amount of such assessment and requiring the owner of such lot to pay the same, with the costs and charges thereof, to the treasurer of said city, appointing a day and place when and where such lot 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 with costs as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot shall neglect to pay such assessment with the costs and charges thereof and of the said advertisement, it shall be lawful for the said mayor and aldermen to cause such lot to be sold at public auction for a term of years, at the time and for the purposes and in the manner expressed in the said advertisement; *provided*, such sale may be adjourned from time to time, not exceeding in the whole two months, and to give a declaration of such sale to the purchaser thereof under

viseo.

the common seal of said city; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners, and all claiming under him or them, until his term therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot 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* Proviso. *always*, if the owner or owners, mortgagee or mortgagees, of said lot shall, within one year after such sale, pay to the said purchaser, his executors, administrators or assigns, the amount of money so by him paid to the said city, with the amount paid for any fences erected, constructed or made thereon, with twelve per cent. interest, then the said owner or owners, mortgagee or mortgagees, as the case may be, shall be entitled to reënter and repossess the said lot in the same manner, to all intents, as if such sale had not been made.

70. *And be it enacted*, That the amount of the estimate or assessment to be made as aforesaid on any lot in said city, shall be and remain a lien thereon, from the time of the completion and return of such assessment, in manner aforesaid, until paid or otherwise satisfied. Assessment to remain as a lien.

71. *And be it enacted*, That if the tenant of any house, or house and lot within the said city, shall cause the sidewalks in front thereof to be leveled, graded, curbed, paved, flagged or graveled, in obedience to such ordinance or regulation, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representative, with interest and costs, in an action on the case in any court of this state having cognizance thereof, for so much money by him paid, laid out and expended, to and for his or their use; *provided*, that nothing Tenant may deduct payments made by him. *Proviso.* in this act shall affect any contract or agreement made or to be made between landlord and tenant respecting such charges and expenses.

Assessments
upon property
along streets.

72. *And be it enacted,* That it shall be lawful for the mayor and aldermen, upon the application of a majority of the owners of property fronting on any street, or section of a street in said city, proposed to be graded, paved or planked, to direct the same to be done, and the expense thereof, certified and sworn to by the superintendent of streets, and filed in the office of the city treasurer, shall fix and determine the amount of such expenses; and to provide for the payment thereof, the mayor and aldermen shall cause a just and equitable assessment thereof to be made among the owners of property fronting on such street, in proportion as nearly as may be to the advantages each shall be deemed to derive from such improvement; and for this purpose the mayor and aldermen shall appoint three impartial assessors, in the same manner, who shall have the same qualifications and proceed as hereinbefore provided respecting sidewalks in said city; and said expenses shall be and remain a lien on the lots upon which the same shall have been assessed until the same shall be paid; and it shall be lawful for the mayor and aldermen to enforce the payment thereof in the same manner in which by this act payment of the expenses of paving sidewalks in said city may be enforced; and any lot which may be sold to pay such assessment, may be redeemed in the manner provided for in the sixty-ninth section of this act.

When city
shall take
charge of
streets.

73. *And be it enacted,* That after the grading, curbing, paving and flagging of any streets, alleys or sidewalks is once effected, then the city shall take charge of the same and shall keep them in repair without further assessments.

Proceedings to
vacate and re-
lay streets.

74. *And be it enacted,* That the mayor and aldermen of the city of Paterson be, as they heretofore have been, authorized to take up and vacate any of the streets or highways of the said city and to relay the same, and for that purpose it is hereby made the duty of the said mayor and aldermen to cause, as heretofore, a survey of the streets of said city to be made, and to erect at suitable places in each street permanent monuments of such survey, and to cause a map of such survey to be made, which map, or a copy thereof, with a re-

turn describing said survey and map, with its courses, distances and monuments, shall be recorded in the office of the clerk of the county of Passaic, in the book of records of highways, which return, or a duly certified copy thereof, shall, as heretofore, be the evidence of the location of the streets so surveyed and returned; and any such street or highway which has been or shall be so taken up, vacated and relaid, shall not be again taken up, vacated or relaid by the said mayor and aldermen, except by the request of the owners of two-thirds of the property fronting on both sides of such street, without paying to those owners on such street who do not make such request, the damages which they will sustain by such retaking up, revacating and relaying.

75. *And be it enacted*, That the mayor and aldermen be ^{Opening of streets.} authorized to open to their full width and extent each and every street so ascertained and defined, and to remove or cause to be removed all encroachments except dwelling houses or other permanent buildings upon the same.

76. *And be it enacted*, That when any dwelling house or other building or erection now existing on any lot in said city shall be removed, taken down or in any wise destroyed, it shall not be lawful for any person whatever to rebuild or erect any dwelling house or other building or erection on such lot, except in conformity with the line of the street now or hereafter to be defined by such survey, monuments and relayings. ^{Regulating buildings on streets.}

77. *And be it enacted*, That all expenses for improvements in opening, altering and widening streets, and making ^{Certain expenses, how levied.} and constructing sewers, and for deepening, widening or arching any brook in said city of Paterson, shall be assessed upon and paid by the lands and real estate benefitted by the same, in proportion to the benefit received.

78. *And be it enacted*, That the mayor and aldermen of the city of Paterson shall have power to take any lands that they may judge necessary for the opening, widening or altering of any street, or for making or constructing any sewers, or deepening, widening or arching any brook, upon paying to the owner the fair value of the lands taken and of the improve- ^{Property to be taken upon compensation being paid.}

ments thereon, and the damage done to any distinct lot, or parcel or tenement by taking part of it for such purposes.

Proceedings
upon applica-
tion for open-
ing or altering
streets, &c.

79. *And be it enacted*, That when any application shall be made for opening, altering or widening any street, constructing any sewer, or deepening, widening or arching any brook in said city, the mayor and aldermen of the city of Paterson shall appoint a time when persons interested therein may be heard before them or the appropriate committee on the merits of such application, and shall give notice of the nature of such application, and the time and place of hearing, in one or more of the city papers, for thirty days before such time of hearing; and if the mayor and aldermen shall determine to open, alter or widen such street, or to make or construct such sewers, or to deepen, widen, or arch such brook, they shall, after determining and defining the precise improvement to be made, appoint three judicious, disinterested freeholders, residents of said city, commissioners, who shall determine what lands and real estate will be benefitted by said improvements, and shall estimate the whole cost of said improvements 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 benefitted thereby, distinguishing each lot or parcel by number on said map, and shall assess such estimated costs upon said lands to be benefitted thereby, in proportion to the benefit received by each lot or parcel in said map, estimating the benefit to be done to the residue of any lot or parcel of which part may be taken for such improvement, in the same manner as to other lands; and they shall also estimate and report the value of lands 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 in ninety days after their appointment; and thereupon the city clerk shall give notice of the filing of such report and map within ten days after the same shall be filed with him, in one

or more of the city papers, and shall continue the same for two weeks; and unless in thirty days after the filing of said report, two-thirds of the owners of the lands to be assessed for such improvements, shall file with the city clerk a remonstrance signed by them or their agents lawfully authorized, said mayor and aldermen shall proceed to execute such improvements; but if such remonstrance shall be filed, the mayor and aldermen shall proceed no further in such improvement under that application, and all costs and expenses incurred by the mayor and aldermen in such proceeding shall be repaid to the city by the petitioners for such improvements; and the mayor and aldermen may make such regulations touching the receiving and proceeding upon such petitions, and security for the expenses thereof, as they may deem proper; and if no such remonstrance be filed, then the amount reported by said commissioners as the value of any lands and buildings to be taken, and the damages for taking the same, shall be the sum to be paid by the said mayor and 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 the said commissioners as benefitted thereby, and in the proportion reported by them; if the owner of any lands taken who has filed a remonstrance against any such improvement, which he is hereby authorized to make, is dissatisfied with such assessment, he may apply to the justices of the supreme court, at their term held next after the end of twenty days from the expiration of the time limited for filing a remonstrance as above provided, giving ten days' notice of such application to the city clerk, or in his absence to the mayor; and such justices, or a majority of them, at said term, upon petition by such person or persons dissatisfied, or any of them, setting forth the causes of his, her or their complaint, shall appoint three disinterested persons commissioners, who shall be the same in all applications regarding the same improvement; such commissioners shall meet on ten days' notice given by any of said persons

so applying, to each of the others, or to his attorney, if either reside in the city, and to the city clerk, and shall proceed to examine the premises, with power to send for and examine persons or papers, and to swear witnesses, and to compel their attendance by process of subpoena to issue out of the supreme court, and shall review the proceedings of the said commissioners appointed by the mayor and aldermen, so far only as the complaint of the applicants to the supreme court is concerned, and shall report in writing under their hands to the mayor and aldermen their estimate of the value of such lands and buildings taken, and damages, and their assessment of such expenses on lands benefitted, which report shall be filed with the city clerk, and shall be conclusive on all parties; and the costs of their appointment and of the proceedings of said commissioners shall, in case their report is more favorable to the applicant or applicants than that of the first commissioners, be paid by the city and added to the expenses of the improvement; and in case such report is not more favorable to any applicant or applicants than the first report, then said applicant or applicants 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 (if any,) or be assessed upon his property by the mayor and aldermen, and shall become a lien thereon, and be collected therefrom in the same manner as the assessment for any improvement authorized by this act; 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, such commissioners 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 his estate, be repaid such principal sum 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 priority of all other encumbrances, and all such assessments so made on any lot as aforesaid shall be and remain a lien thereon until paid or otherwise satisfied; and the amount assessed shall be raised by the mayor and aldermen by a sale of the property so assessed, in the same manner in all respects as assessments are to be raised by the sixty-ninth section of this act; and after such improvement shall be completed, all the costs and expenses of making the same shall be reported to and settled by the mayor and 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 mayor and 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 mayor and city clerk; which book, or a transcript thereof, certified by the clerk under the city seal, shall be conclusive evidence of such assessment.

80. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands or buildings taken, and the damages thereby, the city treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a receipt therefor when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city clerk; and the mayor and aldermen shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the city treasury or in some safe bank, for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the passing of such

Payment of
award of com-
missioners.

resolution by the mayor and aldermen, 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 by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused.

Court may set aside award of commissioners.

81. *And be it enacted*, That any assessment or estimate of value and damages made 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; and the said court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew as to the part set aside; and for the purpose of such examination the supreme court may require by rule the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same, by affidavits to be taken for that 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.

Commissioners to take oath.

82. *And be it enacted*, That all commissioners of assessment appointed by or under this act shall, before they proceed to the duties of their appointment, subscribe and take an oath before some person lawfully authorized to administer oaths, faithfully, honestly and impartially to perform the duties required of them, and shall receive such compensation for their services as the mayor and aldermen shall by general ordinance fix and ordain.

May borrow money for certain purposes.

83. *And be it enacted*, That in cases where the mayor and aldermen are authorized to make or levy any assessment for any of the said improvements mentioned in section seventy-seven, they shall be authorized to borrow the amount necessary to pay any such assessment in anticipation of the collection thereof.

Contracts to be made.

84. *And be it enacted*, That all contracts for doing work or furnishing materials for the improvements provided for in

this act, shall at all times be given to the lowest bidder, he or they giving ample security for doing the same according to contract; but the mayor and aldermen shall be under no obligation to accept the lowest bid, and may reject all bids if they shall think proper.

TITLE NINTH.

FIRE DEPARTMENT.

85. *And be it enacted*, That the mayor and aldermen of the city of Paterson, having by law become vested with all the lands, tenements, hereditaments, property and rights which were vested in or belonged to the Paterson Fire Association in their corporate capacity, they are hereby continued liable to pay all the debts of the said fire association which they owed in their corporate capacity at the time the mayor and aldermen become so vested with the property thereof. Fire department.

86. *And be it enacted*, That the fire department of the city of Paterson shall henceforth be under the management and supervision of the mayor and aldermen of the city of Paterson; and it shall be lawful for the said mayor and aldermen to purchase or lease from time to time all necessary building lots, and to erect thereon such engine houses and other buildings as they may deem necessary for the use of the fire department of the city, to rebuild and repair the engine houses which now do or shall hereafter belong to the city, to purchase, repair and keep in good order all such fire engines and other apparatus generally used for the extinguishing of fires as they shall deem necessary for the use of said city, and from time to time to appropriate and raise such sums of money as they may deem expedient to defray the expenses of the fire department of said city at the same time and in the same manner as the other expenses of said city are raised and paid. Powers and duties of mayor, &c.

87. *And be it enacted*, That it shall be lawful for the said mayor and aldermen, or a majority of them, to organize and Fire companies.

enroll from among the residents of said city such and so many fire companies as they shall judge proper, and pass ordinances for the general regulation, management and government thereof; *provided*, such ordinances shall not be inconsistent with the laws of this state or of the United States.

Proviso.

List of firemen 88. *And be it enacted*, That it shall be the duty of the city clerk to keep a correct list of all the firemen of each company in said city, and on or before the first Monday in May in each and every year, to file in the clerk's office of the county of Passaic, a true copy of such list, under the penalty of fifty dollars for every neglect, to be recovered for the use of the city, in an action of debt in the recorder's court of said city, in the name of the mayor and alderman of the city of Paterson.

Chief engineer
of fire depart-
ment.

89. *And be it enacted*, That within ten days after the annual election, the firemen of said city shall elect by ballot at such place as the mayor and aldermen shall for that purpose appoint, one person to be chief engineer, and two persons to be assistant engineers, and one person to be judge of election of the fire department of said city, who shall hold their respective offices for one year and until others are elected, that the clerk of the city shall be the clerk of said election; and at the first election to be held in pursuance of this section, and thereafter whenever the judge of election shall refuse to serve, or shall be absent at the time and from the place of opening the polls, it shall be the duty of the firemen present, who shall be legal voters at such election, to elect, viva voce, from among the bystanders a suitable person to be judge of election, who shall possess the same qualifications of other judges of election under the laws of this state; and the said judge of election, before entering upon the duties of his office, shall take an oath or affirmation before the clerk of election, who is hereby authorized to administer the same, that he will faithfully and impartially perform all the duties of a judge of election, and that he will not admit any person to vote at such election who is not legally entitled to a vote; and no person shall vote at such election who shall not be twenty-

one years of age, and who shall not have been at the time of such election during three months at least a member of one of the fire companies of said city; and the polls shall be opened and closed at the same hours, and the election conducted in the same manner, as near as may be, as the election for city officers in said city is conducted, and the judge of election and clerk shall be entitled to the same compensation for their services as the like officers of the city election are entitled to receive, and it shall be the duty of the said judge and clerk, within three days after such election, to make out under their respective hands and deliver to the mayor and aldermen, to be filed in the office of the city clerk, a certificate of the result of such election.

90. *And be it enacted*, That every person who shall have duly served as fireman in the Paterson Fire Association, in Paterson, in the county of Passaic, for seven years in succession next preceding the seventeenth day of March, eighteen hundred and fifty-five, and who shall faithfully serve as such for one year thereafter in the fire department of the city of Paterson; and every person who shall have duly served as such firemen in the said Paterson Fire Association for a less period of time than seven consecutive years next preceding the seventeenth day of March, eighteen hundred and fifty-five, and who shall faithfully serve as such in said fire department of the city of Paterson for so long a time thereafter as shall make in the whole the term of seven years; and every person who shall faithfully serve as fireman in the fire department of the city of Paterson for seven consecutive years, to be proved by certificates, sealed with the corporate seal of the city of Paterson, and signed by the mayor of said city and the chief engineer of the fire department, shall, during and forever after such service, be exempted from serving as a jurymen in any of the courts of this state. Exemption from jury duty

91. *And be it enacted*, That the act entitled "An act to incorporate the Paterson Fire Association," passed November third, Anno Domini eighteen hundred and twenty-one, and Repealed.

the several supplements thereto, be and the same are hereby repealed.

TITLE TENTH.

POOR DEPARTMENT.

Exemption
from certain
liability.

92. *And be it enacted*, That the inhabitants of the city of Paterson shall not be liable to contribute or pay any sum of money whatever for or on account of any purchase or agreement which may hereafter be made by the board of chosen freeholders for the support of the poor in said county.

Poor house for
the city of
Paterson.

93. *And be it enacted*, That the mayor and aldermen having, pursuant to the authority vested in them by law, purchased a farm and erected buildings thereon for the purpose of keeping, maintaining and employing there, such poor persons of the city of Paterson as may or shall need relief, the said mayor and aldermen are hereby authorized there to keep, maintain and employ such poor persons of the said city of Paterson as shall or may need relief, and to take the benefit of their labor and services, and to keep the buildings thereon in proper repair, and from time to time to erect such other buildings there as shall be necessary for the purposes aforesaid.

Mayor, &c.,
may make by-
laws.

94. *And be it enacted*, That the mayor and aldermen of the city of Paterson be and they are hereby authorized to make all ordinances and by-laws necessary for the establishment, maintenance and regulation of such poor house and farm, and for the government and management of the poor of said city, kept and maintained in such poor house, and for granting relief to the poor of said city; *provided*, such ordinances and by-laws be not inconsistent with the constitution and laws of this state; and also to appoint such officers and hire such servants, and to make such regulations respecting the same as they shall deem necessary or convenient.

Proviso.

Of the over-
seer of the
poor.

95. *And be it enacted*, That the overseer of the poor of said city, by and with the advice and consent of the mayor

and aldermen of said city, shall exercise all the powers and perform all duties which are granted to and imposed upon the overseers of the poor and justices of the peace in regard to the binding out and protection of poor children, by the twelfth section of an act entitled "An act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six.

96. *And be it enacted*, That every recognizance, taken by or before any justice of the peace in said city, by virtue of the first or second section of an act entitled "An act for the maintenance of bastard children," approved April tenth, eighteen hundred and forty-six, shall be in the name of the mayor and aldermen of the city of Paterson, and when forfeited the same may be prosecuted for their benefit, and all moneys arising therefrom shall be paid into the treasury of said city.

Proceedings in
cases of bas-
tardy.

TITLE ELEVENTH.

EXCISE COURT.

97. *And be it enacted*, That the legal voters in each of the wards in the city of Paterson shall, at each annual charter election, elect one of said voters, who shall be denominated judge of the excise court, and shall, upon complying with the provisions of the succeeding section, hold office for one year, commencing on the first Tuesday in May succeeding his election.

Judge of the
excise court.

98. *And be it enacted*, That the clerk of each ward in said city shall provide and keep in repair, at the expense of said city, one additional ballot box, of the description mentioned in the twenty-third section of the act entitled, "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, which said box he shall cause to be labeled "excise judge ballot box;" and each vote for excise judge shall be by ballot on which shall be written or printed the words "for excise judge," the ward in which the vote, and

Election of ex-
cise judge.

the name of the person voted for, and shall not contain the name of any other person voted for at said election, which ballot (box) shall be delivered to the judge of election and by him deposited in the box labeled as aforesaid, and the judges of election shall reject every ballot cast for excise judge, which does not conform to the foregoing provisions.

Excise judge
to take oath.

99. *And be it enacted*, That each of said judges shall before he enters upon the duties of his office, and within ten days after he is elected, take and subscribe an oath or affirmation, that he will honestly, justly and fairly execute the duties of judge of the excise court in the city of Paterson, to the best of his skill and understanding, which said affidavit shall be filed in the office of the clerk of said city within fifteen days after election, and the said clerk shall record the same.

Powers and
duties of ex-
cise court.

100. *And be it enacted*, That three or more of the judges elected as aforesaid, who shall have made and filed an affidavit in conformity with the preceding section, shall constitute the excise court in the city of Paterson, and shall hold their courts on the second Tuesday in May, August, November and February in each year; and shall have the sole and exclusive power to grant licenses to keep inns and taverns in said city, subject to the same provisions and in like manner as the same was lawfully done by the mayor and aldermen of said city, or as the same is or may be lawfully done by the courts of common pleas in this state; and may impose the same assessments thereon.

Clerk.

101. *And be it enacted*, That the clerk of the city of Paterson shall be clerk of the excise court of said city, and shall deliver all the money which he receives for licenses, excluding his fees, to the treasurer of said city.

Fees to excise
court.

102. *And be it enacted*, That it shall be lawful for the said court and clerk to demand and receive from each applicant for license, the following fees and no other, to wit: The court, for every petition presented, the sum of five dollars, and for every recognizance taken, the sum of three dollars; the clerk, for drawing, entering and filing such recognizance,

drawing the license and annexing thereto the seal of said court, which said seal the mayor and aldermen of said city are hereby directed to procure, and making entry of each application and of such license being granted, the sum of two dollars.

103. *And be it enacted*, That the court shall before they grant a license to keep an inn and tavern, be satisfied from personal inspection that the applicant is of good repute for honesty and sobriety, and is provided with sufficient house room, good stabling and provender; and all persons licensed by said court shall be entitled to the privileges, and subject to the restrictions specified in the act entitled "An act concerning inns and taverns." License may be granted.

TITLE TWELFTH.

SALARIES.

104. *And be it enacted*, That the several following named officers of the city of Paterson, shall, for the term of their respective offices, be entitled to receive the annual salaries hereinafter mentioned, that is to say: the mayor of the city, at the rate of seventy-five dollars by the year; each alderman, at the rate of seventy-five dollars by the year; the recorder of the city, at the rate of five hundred dollars by the year; the city clerk, at the rate of five hundred dollars by the year; the city attorney, at the rate of five hundred dollars by the year; the city treasurer, at the rate of four hundred dollars by the year; the controller, at the rate of one hundred dollars by the year; all of which salaries shall be paid quarterly, and shall commence respectively from the time the said persons enter upon the duties of their said offices. Salaries of city officers.

105. *And be it enacted*, That in all cases where there is no compensation fixed by this act, or by any law, for services required of any person elected or appointed to any office in said city by virtue of this act, every such person or persons shall be entitled to a reasonable compensation therefor, to be Mayor, &c., to fix certain salaries.

fixed and determined by the mayor and aldermen, by ordinance or resolution, and payable quarterly as aforesaid.

TITLE THIRTEENTH.

MISCELLANEOUS PROVISIONS.

Publication of ordinances.

106. *And be it enacted*, That when notice of the passage of any ordinance by the mayor and aldermen is by this act required to be given, the publication of the same in one or more of the city newspapers, shall be deemed sufficient notice of the passage thereof to all persons interested therein.

Ordinances to continue in force until repealed.

107. *And be it enacted*, That all ordinances passed by the mayor and aldermen of the city of Paterson, by virtue of the act to incorporate the city of Paterson, and the several supplements thereto, shall continue in force until altered or repealed by the mayor and aldermen.

Books to be evidence, &c.

108. *And be it enacted*, That the books of record kept by any of the city officers by virtue of the provisions of this act, or of any city ordinance, shall be admitted as evidence of all matters therein contained or recorded, in all courts or places whatsoever.

Officers to deliver property, &c., to successors.

109. *And be it enacted*, That it shall be the duty of every person having held an office in said city, within ten days after the expiration thereof or his removal therefrom, to deliver to his successor in office, or to such person as the mayor and aldermen may appoint, all books, records, papers, vouchers and property of every kind belonging to the said city or appertaining to such office, in his possession or under his control, and upon failure so to do, any such person shall forfeit and pay to the mayor and aldermen the sum of five hundred dollars, to be recovered, with costs, in any court of competent jurisdiction.

Mayor, &c., may require new bond in certain cases.

110. *And be it enacted*, That whenever in the opinion of the mayor and aldermen, the official bond given by any constable or other officer elected or appointed in the city of Paterson shall become insufficient from any cause, it shall be

lawful for the said mayor and aldermen to order the clerk of said city to notify such officer thereof, and thenceforth his powers and authority shall cease and determine, until he shall execute a new bond, with sureties, to the satisfaction of the said mayor and aldermen, for the faithful performance of his duties during the remainder of the term for which he was elected; *provided however*, that this act shall in no wise Proviso. affect his duties and powers under and by virtue of any process in his hands at the time of such notice, nor any right of action on such insufficient bond existing at or before the time of such notice.

111. *And be it enacted*, That every person now holding any office in the said city under and by virtue of the provisions of the original act incorporating the city of Paterson, and the supplements thereto, whether elected or appointed, shall be entitled to hold the same, and be required to perform all the duties thereof, with such additional duties, powers and restrictions, if any, as may be conferred or imposed by this act, for the full term for which he was so elected or appointed, subject only to be removed according to law; *provided however*, Proviso. that the offices of the several police justices of the said city shall end and determine, and their powers and duties cease on the first day of May next.

112. *And be it enacted*, That before application shall hereafter be made to the legislature of this state for any alteration in this act, notice containing the alteration to be applied for shall be published in one of the city newspapers at least two weeks before the convening of the legislature. Notice before future amendment of city charter.

113. *And be it enacted*, That from and after the passage Repealed. of this act, all acts and parts of acts inconsistent with or repugnant to the provisions hereof are hereby repealed, except the "first," "second" and "third" sections of the supplement to the act incorporating the city of Paterson, approved February the twelfth, A. D. eighteen hundred and fifty-eight, which shall be and are hereby continued in force until the purposes and objects of that part of that act are perfected, but nothing in this act contained shall destroy, impair or

take away any right or remedy acquired or given by any act or part of any act hereby repealed; and all proceedings of any kind whatever commenced under any such former act or parts of any such act, shall and may be carried on and completed in all respects in the same manner and with the same effect as though this act had not been passed.

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

Approved March 14, 1861.

CHAPTER CXXII.

AN ACT to incorporate the South Branch Railroad Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Campbell, John W. Taylor, Culiver Barcalow, William G. Steele, Joseph Thompson, Alexander Wurts, Andrew Vansickle, Jacob H. Huffman, David D. Schomp, and John G. Reading, 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 South Branch 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.

Amount of
capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be two 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, 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 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 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 elections 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 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 of directors.

Corporation not dissolved for failure to elect on day prescribed.

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.

Quorum.

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.

Route of 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 of intersection on the road of the Central Railroad Company of New Jersey, west of Bound Brook and east of Whitehouse, to some point in or near the village of Flemington, in the county of Hunterdon, not exceeding one hundred feet in width, except in those 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 the said railroad, or where it is necessary to procure materials for the construction or repair 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 land 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 Proviso. 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.

7. *And be it enacted*, That when the said company or its Proceedings when company and owners cannot agree. 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 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 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 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, which report shall be made in writing, under the hand 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 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.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials shall be ^{Parties dissatisfied may appeal.} 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 owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient ^{Road and bridges to be kept in repair.} 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 lands of any individuals, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass the same.

Tolls, &c.

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.

Proviso.

Dividends.

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 dividend as they may deem prudent and proper of the net profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injury to works.

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 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.

May hold real estate.

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 ex-

ceeding 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.

14. *And be it enacted*, That as soon as the railroad, ^{Tax to the state.} with its appendages, shall be finished so as to be used, the president and treasurer of the said company shall file, under oath or affirmation, a statement of the amount of the cost 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, until the net income of said road shall amount to seven per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the treasury of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *provided*, ^{Proviso.} that no other tax or impost shall be levied or assessed upon the said company.

15. *And be it enacted*, That the said corporation shall ^{May borrow money.} 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, at a rate of interest not exceeding seven per centum per annum; *provided*, ^{Proviso.} 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.

Legislature
may purchase
road.

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

Limitation.

17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from

the fourth day of June next ensuing, that then and in that case this act shall be void.

18. *And be it enacted*, That the governor, attorney gen-^{Who may ride free.}eral, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, and the state superintendent of public schools, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other sessions, shall pass and repass over the said railroad, in the cars thereof, free of charge.

19. *And be it enacted*, That this act shall be deemed and ^{Public act.}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 after the passage thereof.

Approved March 14, 1861.

CHAPTER CXXIII.

AN ACT for the relief of John Gresler.

WHEREAS, one Carl Shultz was recently arrested in the county ^{Preamble.} of Hudson, upon a charge of grand larceny, for taking from the person of John Gresler the sum of eight hundred dollars, which said sum of money, so taken from the said John Gresler, was afterwards, through an accomplice, placed in the hands of a person as indemnity to go his bail for his appearance at the next term of the court in and for said county; and whereas, the said Carl Shultz has not ap-

peared, in consequence of which his bail has been forfeited, and the said amount of eight hundred dollars was placed in the hands of the prosecutor of the pleas in and for said county, and is now in the hands of the said prosecutor or some other person or persons for the use of the state—therefore,

Relief granted

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said prosecutor of the pleas of the county of Hudson, or any other person or persons in possession of the said eight hundred dollars to pay over the same to the said John Gresler, and they or either of them are hereby authorized, empowered and required so to pay over the same for the use of the said John Gresler.

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

Approved March 14, 1861.

CHAPTER CXXIV.

AN ACT to incorporate the New Jersey Mica and Fibrous Cement Roofing Company.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua A. Dix, Jeremiah R. Fairbanks, Aaron L. Stiger, Roswell G. Rolston, Albigen W. Kingsley, Charles H. Ross, Thomas Thompson, Nathaniel Fisher and Joseph Ditto, or the survivor or survivors of them,

and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, are hereby constituted and declared a body politic and corporate in fact and in law, by the name of "the New Jersey Mica and Fibrous Cement Roofing Company," for the purpose of manufacturing mica and fibrous cement roofing, and carrying on the business incident thereto in all its branches, and that they and their successors, by the same name, shall be able and capable in law to acquire, purchase, receive, have, hold and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind or quality whatsoever; and the said lands, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, mortgage, pledge or dispose of, to sue and be sued, plead and be impleaded, to make and use a common seal, and to transact their business, hold their meetings, and keep their office and books at any place or places within this state or elsewhere, as the interests of said company may require.

2. *And be it enacted*, That the capital stock of said company shall be nine thousand dollars, and shall be divided into shares of one hundred and fifty dollars each; and when four thousand five hundred dollars shall have been paid in, such company may purchase manufactories, materials, patents and other property necessary for their business, and issue stock to the amount of the value thereof in payment therefor; and the stock so issued shall be declared and taken to be full stock, and not liable to any further calls.

3. *And be it enacted*, That the subscription of said stock shall be open at the city of Elizabeth, for any time not exceeding sixty days, under the direction of the board of directors, or such of them as shall be designated by the said board for that purpose; which stock shall be subscribed and paid in at such times, upon such notice, and in such installments as the directors of the said company, by their by-laws or otherwise shall direct; and that in case of failure by any stockholder to pay his or her installment or installments at the place, and within thirty days of the time fixed for the

payment thereof, such stockholder or stockholders shall incur a forfeiture of his, her or their shares, and all previous payments thereon, for the use of said company.

Stock trans-
ferable.

4. *And be it enacted*, That the capital stock of the said company shall be deemed personal property; but the shares 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 each share shall entitle the holder thereof to one vote, either in person or by proxy.

Duties and
powers of
directors.

5. *And be it enacted*, That the affairs of the said company shall be managed by a board of five directors, a majority of whom shall be residents of this state, to be chosen by the stockholders annually, at such times, in such manner and under such regulations as the by-laws established by the board may direct, who shall serve for one year and until others are chosen in their stead; notice of such elections shall be given by publication, for at least ten days, in a newspaper published in the city of Elizabeth; the said directors shall, from time to time, elect a president from their number, and shall elect and employ such other officers and assistants as may be deemed necessary or convenient for the prosecution of their business, all of whom shall receive such compensation as the board by their by-laws may direct.

First directors.

6. *And be it enacted*, That Joshua A. Dix, Roswell G. Rolston, Jeremiah R. Fairbanks, Thomas Thompson, and Nathaniel Fisher, shall be the first directors of said company, a majority of whom shall constitute a quorum for the transaction of business, and who shall, as soon as convenient after the passage of this act, assemble and organize such company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Corporation
not dissolved
for failure to
elect on day
prescribed.

7. *And be it enacted*, That in case it shall happen that an election of directors should not be made at the time when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, 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.

8. *And be it enacted*, That the president and directors of ^{Dividends.} 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 said corporation.

9. *And be it enacted*, That a majority of the directors shall ^{By-laws.} 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.

10. *And be it enacted*, That this act shall take effect im- ^{Limitation.} mediately, and shall continue in force for thirty years; and the legislature may, whenever in their opinion the public good so requires, modify, alter or repeal this act; and 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 14, 1861.

CHAPTER CXXV.

AN ACT to incorporate the Rowand Copper Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of cor-}
the State of New Jersey, That Peter I. Clark, George F. ^{porators.}
Crater, Charles L. Rowand, and their associates, and such

others as are or may hereafter be associated with them, shall be and herèby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "the Rowand Copper Company," for the purpose of mining for copper ores, with a capital of one hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars.

Election of
directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, who shall be annually elected on the second Tuesday of February, at such time of day, and place in said county, as the by-laws of said corporation shall direct; and public notice shall be given of the time and place of holding said election, not less than twenty days previous thereto, in one of the newspapers printed at Flemington, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy, each share having one vote, and persons having the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed to elect by ballot one of their number to be their president; and the board shall have power to fill all vacancies which may occur during the year for the remainder thereof; *provided*, that Peter I. Clark, George F. Crater, Charles L. Rowand, and their associates, shall be the first board of directors, and shall serve until the next annual election.

Proviso.

Failure to elect
not to invali-
date charter.

3. *And be it enacted*, That failure to elect on the day prescribed, shall not work a dissolution of the corporation, but it shall and may be lawful to hold such election at any future day, by giving notice thereof, as prescribed in section second of this act.

Capital stock.

4. *And be it enacted*, That the capital stock of the corporation shall consist of the tracts of land, mines, mining privileges, rights and reservations, minerals and ores, engines, smelting furnaces, and all the buildings and improvements thereon now belonging to the above named corporators, or which the said company may hereafter acquire in the county

of Hunterdon, in the state of New Jersey, not exceeding in value the sum of five hundred thousand dollars, which shall be divided into shares of ten dollars each; and it shall be lawful for the directors of said incorporation to assess from time to time upon each share of the stock of said corporation, a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days, and provided two-thirds in interest of the stockholders shall consent thereto, at a meeting of the stockholders called for the purpose, on a notice thereof given the same as provided for in relation to the election of directors, it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock in the same manner; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given as aforesaid, shall forfeit to said corporation each and every share of stock upon which such assessment remains unpaid for the period of thirty days after notice shall have been given in such form as the by-laws may ordain, to the stockholder that such assessment was due and unpaid.

5. *And be it enacted*, That a majority of the directors for ^{Quorum.} the time being shall form a board or quorum for the transaction of the business of the corporation.

6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and shall be transferable <sup>Stock transfer-
able.</sup> only on the books of the corporation to be kept for the purpose, in such manner as shall be prescribed by the by-laws of the said corporation.

7. *And be it enacted*, That the business and operations of <sup>Objects of in-
corporation.</sup> this corporation shall be confined to the mining for ores and minerals upon the lands now owned by the corporators, or upon which they now have the mining right and privilege, or which the corporation may hereafter acquire, the purchase and sale of ores and metals, and the smelting, refining and manufacture thereof, with the steam engine, smelting furnace and other improvements which the corporators now have, or with such other fixtures, machinery and improvements as the

said corporation may hereafter construct or acquire, and the sale of their manufactured articles.

Limitation.

8. *And be it enacted*, That this act shall continue in force for the term of twenty years, but shall be subject to alterations or repeal by the legislature whenever the public good shall require.

Approved March 14, 1861.

CHAPTER CXXVI.

AN ACT to change the name of "the Trenton and Lamberton Baptist Church."

Name of
church chan-
ged.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "the Trenton and Lamberton Baptist Church" be and the same is hereby changed to the "First Baptist Church of the city of Trenton;" and by that name the same shall be deemed a body politic and corporate, possessing the usual powers and privileges of an incorporated religious denomination; and that the real and personal estate now belonging to said church, be and the same is hereby vested in the said "the First Baptist Church of the city of Trenton," its successors and assigns.

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

Approved March 14, 1861.

CHAPTER CXXVII.

AN ACT to prevent the spread of contagious diseases amongst cattle and stock.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Powers and duties of town committee to prevent the spread of disease.} *the State of New Jersey,* That the town committees of each township in this state, upon notice of the existence of any disease amongst cattle or stock in their townships supposed to be contagious, be authorized and required to personally examine the cases, and if the symptoms which characterize contagious diseases are exhibited, they shall cause all such sick animals to be immediately removed, and kept separate and apart from all other cattle or stock, and the remaining cattle or stock of said owner or owners shall be kept isolated from the sick ones, and from all other cattle or stock; and both they and the sick animals shall be kept distant at least five hundred feet from every public highway or other road, and the same distance from the premises of any and all neighbors; and if any shall die of any contagious disease, or shall be killed while so diseased, the same shall be buried as soon as possible at the nearest convenient place, at least five hundred feet distant from any public highway or other road, and the same distance from the premises of any and all neighbors, and not less than four feet below the surface of the ground; *provided,* that in case the owner or owners of ^{Proviso.} such cattle or stock are not in the possession of such premises as will enable them to provide such suitable and safe place of isolation or burial, the town committee are hereby authorized and empowered to assign a place on any premises adjoining, or near thereto, with power to compensate the owner of such premises for the use of the same.

2. *And be it enacted,* That no cattle or stock that have been ^{When cattle are cured.} sick and are supposed to have recovered, or which have been

isolated and separated by order of the said town committee shall be removed or permitted to mingle with other cattle or stock until the said town committee has given their permit.

Persons forbid
storing any
portion of dis-
eased cattle.

3. *And be it enacted*, That any person who shall knowingly store the hide or any portion of an animal that has died or has been killed by reason of any contagious disease, in any building or premises within five hundred feet distant from the premises of any neighbor, nor shall any person erect, use or occupy any premises or building for bone-boiling, swill distillery, or slaughtering within the same distance of five hundred feet from the premises of any neighbor.

Town com-
mittee may
prevent im-
portation of
cattle, &c.

4. *And be it enacted*, That the said town committee be authorized to prohibit the importation or passage of cattle from other places into or through their respective townships, and any person who shall import or drive any cattle into or through any township after the same shall have been publicly prohibited by the said town committee, shall pay a fine of one hundred dollars for every bull, ox, steer, cow, heifer or calf, so driven into a township, and any person who shall interfere with, or prevent the action of any town committee, in conformity with the provisions of this act, shall pay a fine of one hundred dollars for each and every offence, and any person who shall disregard the provisions of section three shall pay a fine of five hundred dollars for each offence.

Penalty for
selling diseas-
ed cattle, &c.

5. *And be it enacted*, That any person who shall dispose of any cattle or stock, knowing or having good reason to suppose it to be the subject of any contagious disease, shall pay a fine of one hundred dollars for any such animal sold within the township, or one hundred dollars if sold and taken out of the township where the seller resides; and during the prevalence of any contagious disease amongst cattle or other stock, said township committee shall publish notice of the existence of such disease, and of the penalties prescribed in this act, by at least four notices in one or more of the newspapers published in the county, and by posting printed notices thereof at the principal post offices and public places in their townships; and the fines and penalties named and provided for in

this act shall be sued for by said town committees in an action of debt in any court of competent jurisdiction, for the benefit of the township; *provided*, that nothing in this act shall conflict in any wise with the corporate rights of any incorporated village, town or city. Proviso.

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

Approved March 14, 1861.

CHAPTER CXXVIII.

AN ACT to incorporate the New York and Bulls Ferry Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators.
the State of New Jersey, That John M. Board, John White, Jr., Dudley S. Gregory, Nathaniel Dole, John Aird Dempsey, Chauncey Rawson and Delos E. Culver, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate, by the name of the New York and Bulls Ferry Railroad Company.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same, if necessary, which shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and transferable in such manner as the said corporation by their by-laws shall direct. Amount of capital stock.

Books of subscription to be opened.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, giving notice thereof for at least twenty days prior to opening said books, by publishing the same in one newspaper published at Hoboken and one at Jersey City, and that the said books shall be kept open for at least two days in Bulls Ferry, and two days in Hoboken and two days in Jersey City, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners or a majority of them shall think proper; and if more than two hundred thousand dollars of stock is subscribed for, it shall be the duty of said commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road.

Corporation to be organized.

4. *And be it enacted*, That at the time of subscribing to said stock five dollars shall be paid upon each share subscribed for to the said commissioners, and when fifty thousand dollars shall be subscribed for, the books having been kept open as required in the preceding section, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; the election shall be in either of the counties through which the said road is to be located, by such of the stockholders as shall attend for the 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 corporators, or a majority of them, shall be inspectors of said election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected, and deliver over to them the subscription books and money paid in, after deducting a reasonable compensation for their services and 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, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, or any vacancy occur in said board, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by a majority of said board of directors; and in case of the absence of the president, the 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 said corporation shall provide.

5. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day ^{In case of failure to elect. &c.} when, pursuant to this act, it ought to be made, said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time, on notice as aforesaid; and the directors for the time being shall continue in office until others be elected in their places.

6. *And be it enacted*, That four directors of said corpora- ^{Quorum.} tion shall constitute a quorum and be competent to transact all business; and they shall have power to call in the remainder of the capital stock by installments not to exceed ten dollars on each share, by giving thirty days previous notice in a newspaper published at Hoboken and one at Jersey City; *provided*, that no two installments shall be demanded ^{Proviso.} within thirty days of 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.

7. *And be it enacted*, That the president and directors of ^{Route of road.} the said company be and they are hereby authorized and empowered to enter on, survey, lay out and construct a railroad from some point in the county of Hudson, at or near Bulls

Ferry, and easterly of the palisades along the westerly side of the Hudson river, to one of the ferries in Hudson county, at or north of Jersey City, no part of said road to be carried at a grade higher than fifty feet above high water mark, and to locate and form said road not exceeding sixty-six feet in width, unless it be necessary for the purpose of constructing slopes, turn-outs, depot or other buildings, and then not more than one hundred and fifty feet in width, with as many sets of tracks and rails as they may deem necessary, and said company are invested with all powers necessary or convenient to survey, locate, lay out, construct and maintain said road; and it shall be lawful for the said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times on lands and waters for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road shall have been determined upon, then it shall be lawful for said company, by its officers, 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 and repairs of said railroad, and to carry into full effect the objects of this act; *provided*, that payment has first been made to the owners of the lands and premises taken for the purposes of this act.

Proviso.

Proceedings
when com-
pany and
owners can-
not agree.

8. *And be it enacted*, That if the said company, or its agent or 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, a particular description of the lands 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 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, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or if 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 of the county in which the damage is sustained, commissioners to examine and appraise the said lands, and assess the damages sustained by the owner thereof by reason of taking the same, upon such notice, not less than twenty days, to be given to the persons interested, or to be published as aforesaid, 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 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 the time and place appointed, and to proceed to view and examine said lands, and 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 appraisal or estimate of the value of the said lands, and an assessment of damages, which 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 said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands, and the appointments and oaths and affirmations aforesaid, in the clerk's office of said county, 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, and a copy thereof, certified by the clerk of said county, the damages found or assessed, with the costs 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 said lands; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, 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 just, and to order and direct by whom the same shall be paid.

Parties dissatisfied may appeal.

9. *And be it enacted*, That in case the said company or owner or owners of the said land shall be dissatisfied with the report made by the commissioners named in the preceding section, the parties so aggrieved may appeal to the circuit court of the county in which the lands lie, 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 proceeding shall vest in the said circuit court, or in any justice thereof, 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 impannelled 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 said land and 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 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; 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, or into the court of common pleas, to the clerk thereof, in the county in which the said lands are situate; and from the owner or owners of land not in controversy they shall obtain consent in writing before they enter upon or break ground on the premises, except for surveying and laying out said road; *provided*, that the party or parties entitled to receive the Proviso. amount assessed by the commissioners may, upon tender thereof, receive the same without being thereby debarred from the appeal hereby provided for.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under where any public road shall cross the said railroad, or where such other road now in use or hereafter laid out shall cross the same, and also where the said railroad shall intersect any farm or other lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the same, and where this railroad shall cross any other railroad now constructed or constructing, it shall be the duty of this company to cause crossings to be made so as to do the least injury possible to each. Bridges to be kept in repair.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and run on said railroad, all cars, wagons, carriages or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species Rates for transportation

Proviso.

Proviso.

Proviso.

of property whatsoever thereon, as they from time to time shall think reasonable and proper; and it shall be lawful for said company to run cars upon their railroad, to be operated by horse power, and to commence running cars upon the same when one mile of said railroad shall be finished; *provided*, that they shall not charge more than three cents per mile for each passenger, except for any distance traveled under two miles, in such case they may collect five cents from each passenger, and six cents per ton per mile for the transportation of every species of heavy merchandize and produce on said road in the carriages of the company, and for dry goods and packages and all light articles, such reasonable rates as may be fixed by the board of directors, or five cents per mile for every ton, two cents per mile for every passenger carried on said road in the carriages of others, and three cents per mile for every empty carriage not the property of the company, and that the road authorized by this act shall be and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon the payment of the tolls prescribed by this act; *provided always*, that the carriages used thereon shall be similar to those used by the company, and shall be regulated as to the time of starting and rates of traveling by the company, in the same manner as the company are; and the said railroad 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 vested 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 road is completed shall abandon the same, or cease to use and keep it in repair for five successive years, except in case of war, that then and in that case all franchises granted to said company by this charter shall be annulled, and the title to the lands over which said railroad is located shall be reverted 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 is composed shall in such case be deemed and taken to be 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.

12. *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 dividend of the net profits thereof among the stockholders as they may deem prudent, and shall in like manner, semi-annually thereafter, declare such dividend, and pay the same to the stockholders or their legal representatives, in proportion to the amount of stock held by them respectively. Semi-annual dividends may be made.

13. *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 each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, docks, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business. May hold real estate.

14. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any building, machinery 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. Penalty for injuring works.

15. *And be it enacted*, That whenever the net proceeds of the road authorized to be built by this act shall amount to six per centum per annum on its cost, the said company shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. State tax to be paid. Proviso.

State may purchase road, &c.

16. *And be it enacted*, That at any time after the expiration of fifty years from the passage of this act, the legislature of this state may cause an appraisement of said railroad and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature within one year of their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the three persons on their part, for two months after the appointment by the chief justice, then the three persons so appointed by him shall proceed to make such appointment, which shall be binding upon said company; or in case the said six commissioners shall be appointed as aforesaid and cannot agree upon the seventh person, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, who, with the aforesaid six, or a majority of them, shall report as aforesaid; and thereupon the state shall have the privilege, for two years, of taking said road, upon payment to the company of the amount of said appraisal within one year after electing to take said road, which report shall be filed in the office of the secretary of state; and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof.

Proviso.

Map, &c., to be filed.

17. *And be it enacted*, That whenever said railroad shall be finally located, it shall be the duty of the directors of said company to cause a map and profile of the same to be made on a scale not less than ten inches to the mile, showing what lands are taken, which said map and profile shall be accompanied with a written abstract of the alignment of the centre line of said railroad, which said map shall be certified to

under oath by the engineer of said company and be filed in the office of the secretary of state within one year from the completion of the location of said road; and one such map as above mentioned to be affiled of record in the clerk's office of the county of Hudson of such portions of said road as lie within said county.

18. *And be it enacted*, That if the said railroad shall not ^{Limitation.} be commenced in three years, and completed and in use in five years from the first day of June now next ensuing, that then and in that case this act shall be void.

19. *And be it enacted*, That the governor, the chancellor, ^{Certain officers to pass free.} the attorney general, the justices of the supreme court and of the court of errors of this state, and the state superintendent of schools, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other sessions, may pass and repass upon said railroad, in the cars of the company, free of charge.

20. *And be it enacted*, That the Hoboken and Hudson River Turnpike Company are hereby authorized and empow- ^{May contract with turnpike company.} ered to grant or convey for the uses and purposes of this company incorporated by this act, the whole or any part of the said turnpike company's road, franchises and privileges, upon such terms and for such price as shall be agreed upon between the said companies, and the said railroad company may construct their railroad upon such turnpike road so granted or conveyed to them, or upon any portion thereof; *provided however*, that that portion of said proposed railroad ^{Proviso.} lying between Bull's Ferry and King's Point shall not be constructed or built until the right for the uses of said railroad to so much at least of said turnpike as lies between those points shall have been secured by said railroad company as aforesaid, nor shall the part of the proposed railroad lying between the said two points be laid or constructed upon any lands other than such as said turnpike company shall occupy or be entitled to occupy for their turnpike road by virtue of the act incorporating said turnpike road, passed March

twelfth, eighteen hundred and fifty-seven, and the supplement or supplements thereto, nor shall said railroad be so constructed so as to interfere with or injure any lawful easement or privilege specially granted by said turnpike company, to any person or persons along the line of their said turnpike.

May lay rails
on turnpike.

21. *And be it enacted*, That so much of the fourteenth section of the said act incorporating said turnpike company as prohibits the laying of iron rails or the running of any carriages upon said turnpike road, shall not be construed to apply to any portion of said turnpike road and franchises granted or to be granted or conveyed to said railroad company for the uses and purposes of this act, and as authorized by the preceding section of this act, after such grant or conveyance shall have been made.

Company not
to interfere
with Hoboken
and Weehaw-
ken Railroad
Company.

22. *And be it enacted*, That nothing in this act shall be taken or construed to authorize the company hereby created to locate or build their railroad at any point within six hundred feet of the Hoboken and Weehawken Horse Railroad, or the Bergen turnpike road, except for the purposes of crossing, unless the aforesaid companies may otherwise agree; but in no case shall the route of the road hereby authorized to be built be laid easterly of the track of the said Hoboken and Weehawken Horse Railroad, between the one mile stone on the Bergen turnpike road and Newark street in the city of Hoboken; and the company hereby created shall in no case be allowed to cross the Bergen turnpike road, except south of Newark street in the city of Hoboken, or north of a certain ditch known as the line ditch, as it now runs, and such crossing shall take place at right angles, as near as practicable.

May not cross
streets with-
out consent.

23. *And be it enacted*, That it shall not be lawful for the company hereby created to construct their railroad over or across any road or street within the corporate limits of Hoboken or Jersey City, without the consent of the mayor and common council of said cities is first had and obtained.

Approved March 14, 1861.

CHAPTER CXXIX.

A further supplement to an act entitled "An act to incorporate the Williamstown and Good Intent Turnpike Company."

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 company, from and after the passage of this act, to abandon that portion of their turnpike road beginning at or near David Marshall's marl lane, and extending thence across lands of said David Marshall to the main street leading from Blackwoodtown to Good Intent, near the Baptist cemetery; and that after said road shall be so abandoned, said company shall not be subject to any of the provisions of the thirteenth section of the act to which this is a supplement, as to that portion of said turnpike road so abandoned.

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

Approved March 14, 1861.

CHAPTER CXXX.

AN ACT to repeal the act entitled "An act to enable the inhabitants of School District Number Ten, in the township of Hope, in the county of Warren and state of New Jersey, to raise money by tax, to purchase lands and build a school house," approved March fifteenth, eighteen hundred and fifty-nine.

Former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to enable the inhabitants of school district number ten, in the township of Hope, in the county of Warren and state of New Jersey, to raise money by tax to purchase lands and build a school house," approved March fifteenth, eighteen hundred and fifty-nine, be and the same is hereby repealed.

Approved March 14, 1861.

CHAPTER CXXXI.

AN ACT to better regulate and discipline the Morris Brigade.

Tax to be assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual parade inspection and review of ununiformed militia of the Morris Brigade shall hereafter be dispensed with, and in lieu thereof, in time

of peace, the assessors of the different townships in Morris county shall annually assess against every white male inhabitant of said county, capable of performing militia duty, between the ages of twenty-one and forty-five years, and not a member of any uniformed company in said county, the sum of six cents.

2. *And be it enacted*, That said assessment shall be collected in the same manner as township taxes, and the moneys collected thereon by the collectors and constables in any of the townships shall be paid over to the brigade paymaster of said brigade, who shall annually, after deducting the expenses of the brigade board, and of the collection thereof, pay the balance to the several uniformed companies composing said brigade, pro rata, according to the number of members performing their duty in each, to be expended for military purposes exclusively; *provided*, that uniformed companies of cavalry and artillery shall be entitled to and receive twenty per cent. more of said balance than uniformed companies of infantry.

Tax to be paid
to brigade
paymaster.

Proviso.

3. *And be it enacted*, That the assessor and collector each, for the performance of the service required by this act, shall receive from said brigade paymaster the sum of two cents on the dollar for all sums paid over by the collector to said paymaster.

Fees to as-
sessor and collec-
tor.

4. *And be it enacted*, That all members of uniformed companies who shall become liable to fines or forfeitures by the by-laws of their respective companies, or who are in arrears for dues arising under said by-laws, shall be proceeded against in the company court, whose duty it shall be to hear under oath the testimony and allegations of all parties who have become so liable, and impose such fines and forfeitures, and decree the payment of such dues as shall be found in arrear; the president of said court shall within ten days thereafter make an accurate return of the names of such person or persons, and the sum imposed on each by the said company court, to any justice of the peace in said county, who is required forthwith to issue execution against the person or per-

Proceedings
against delin-
quents.

sons named in said return for the sum annexed to their respective names, with costs, as in cases of taxation, directed to one of the constables residing within the bounds of the said Morris Brigade, who is required to levy the same of the goods and chattels of the respective delinquents, and to pay the several sums contained in the said execution, within thirty days, to the treasurer of the company to which said delinquents belong; the form of execution shall as near as may be, be the same as that described in section twelfth of "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six.

Repealer.

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

Public act.

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

Approved March 14, 1861.

CHAPTER CXXXII.

AN ACT authorizing the erection of an addition to the central building of the State Lunatic Asylum.

Appropriation
of eight thou-
sand dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of eight thousand dollars be and the same is hereby appropriated to the State Lunatic Asylum, for the purpose of erecting an addition to the central portion of the Asylum building forty feet by sixty-

five feet in extent and three stories high, to be used for the purposes mentioned in the annual report of said institution; and that the state treasurer be and he is hereby authorized to pay to the managers of the Asylum the same out of any moneys not heretofore appropriated.

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

Approved March 14, 1861.

CHAPTER CXXXIII.

AN ACT to incorporate the Todd and Rafferty Machine Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of} *the State of New Jersey*, That Joseph C. Todd, Philip Rafferty, William E. Doughty, Hamilton Arnott and Abram Hurd, 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 name, by the name and style of the "Todd and Rafferty Machine Company," for the purpose of manufacturing steam engines, locomotives, hemp, silk and cotton and all kinds of machinery, in the city of Paterson in this state, and of carrying on the business incident thereto; and by that name they and their successors shall have succession and continue a body corporate and politic, and shall be capable of contracting and being contracted with, sueing, pleading, defending and answering, and being sued, impleaded, defended and answered unto in

all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is created; and they and their successors may acquire, purchase, receive, have, hold and enjoy, and sell or otherwise dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

Proviso.

Powers of directors.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of the state of New Jersey, and being stockholders, (one of whom shall be president,) who shall hold their offices for one year; and the directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previously, in one or more newspapers printed in the county of Passaic; and each stockholder shall, at such election, be entitled in person or by proxy to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had, and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, 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 for that purpose; and that the said Joseph C. Todd, Philip Rafferty, William E. Doughty, Hamilton Arnot and Abram Hurd, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in August next, and until others are legally chosen.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as seventy-five thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactory security to be paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation, or a majority of them, from time to time, to call for and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose by public notice previously published for the space of thirty days, in one or more newspapers printed in said county, designating the proportion of such payment per share, and the time and place, when and where, and the officer to whom the same shall be required to be made.

4. *And be it enacted*, That the subscription books for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate and transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders,

except from and out of the actual net profits of said corporation.

Failure to
elect not to
dissolve corpo-
ration.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, 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 or days as shall be prescribed by the by-laws of the said corporation.

By-laws, &c.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce such laws and regulations as they shall deem expedient for the government, management and disposition of the stock, effects, profits and concerns of said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

Proviso.

Books of ac-
counts 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 regularly entered all the transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

How corpora-
tion may be
dissolved.

Proviso.

9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling of all the affairs of the said corporation, disposing of its effects, recovering its claims and paying its debts; and in the payment of such debts, preference shall, in all cases, be made in favor of the employees of said corporation, and dividing the surplus among the stockholders in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for

such purpose, in which case, the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

10. *And be it enacted*, That this act shall, unless the cor-^{Limitation.}poration be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage; *provided nevertheless*, that the legislature reserve the right to ^{Proviso.}alter or amend this act whenever the public good may require it.

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

Approved March 14, 1861.

CHAPTER CXXXIV.

AN ACT to incorporate the Stockholders of the Beverly and Mount Holly Turnpike or Plank Road, by the name of Beverly and Mount Holly Turnpike Company.

WHEREAS, by an act of the legislature of the state of New ^{Preamble.} Jersey, approved March eighteenth, eighteen hundred and fifty-one, entitled "An act to incorporate the Beverly and Mount Holly Turnpike or Plank Road Company," a company was formed and a road built as provided for in said act; and whereas, in consequence of the indebtedness of the said company, receivers were appointed by the chan-

cellor of this state, and the said road, with its appurtenances, sold to Benajah Deacon, and which sale was approved by the chancellor, and a deed for the same ordered to be made and executed to the said Benajah Deacon, and delivered on the second day of fifth month (May), eighteen hundred and fifty-seven; and whereas, by an agreement dated eighteenth of April, eighteen hundred and fifty-seven, between the said Benajah Deacon, of the one part, and William H. Deacon, Jonathan Hilyard, Benjamin Ridgway, John W. Brown, Peter L. Laguerene, Jarrett Stokes, Charles L. Mather, John E. Broome, Hudson B. Haines, John Barton, Ezra Haines, Edith Sleeper, William Bryan, John Packer, Caleb Perkins, Jr., Austin R. Haines, and George Cronk, of the other part, it was agreed that the value of the said the Beverly and Mount Holly Plank Road or Turnpike shall be fixed and estimated to be of the value of six thousand dollars, which sum shall be represented by a joint stock consisting of nine hundred and nine shares, and the value of each share of said stock shall be fixed and estimated at the sum and value of six dollars and sixty cents; and whereas, the said parties did subscribe and pay the whole sum of six thousand dollars in shares as aforesaid, and so became lawfully possessed of the said turnpike or plank road, and they and their successors have appointed directors and continued in the management of the said road up to the present time; and whereas, doubts have arisen as to the powers of the present proprietors and owners of the said road to elect directors and manage the road in the manner contemplated by the original act of incorporation, for remedy whereof,

Organization
of company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present owners and proprietors of the capital stock of the Beverly and Mount Holly Turnpike or Plank Road, and their successors and assigns, shall be and are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name of "the Beverly and Mount Holly Turnpike Company," and

by that name they and their successors and assigns shall and may have continued succession, and shall be capable of suing and being sued, pleading and being impleaded, complaining and defending, answering and being answered unto, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same to alter at pleasure, and by the same name and style shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever necessary to the objects of this incorporation.

2. *And be it enacted*, That the affairs of the said company ^{Quorum.} 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.

3. *And be it enacted*, That the said directors shall be an- ^{Election of directors.} nually elected at the time and times, and in the manner established by the board of stockholders at their annual meeting, and shall hold their offices for one year, or until others are elected; and the judge of such election shall be appointed by such board; and at every such election, and in other cases in which stockholders shall be entitled to vote, a vote may be given for each share by the holder or holders thereof in person or by proxy.

4. *And be it enacted*, That as soon as conveniently may be ^{Duties and powers of directors.} 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 be a citizen of this state, and shall receive such compensation for his services as the board of directors shall approve; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some one from their number, who for the time being shall possess the same power and authority, and perform the like duties; and the said 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 performance of their

respective trusts as they may think expedient; and special meetings of the stockholders may be called by the said board by giving two weeks' notice in a public newspaper published in the county of Burlington, of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, (which must be called and held as is provided in the preceding section for special meetings,) the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during the said term.

Route of road.

6. *And be it enacted*, That it shall be lawful for the said company to construct, make and repair, and maintain a turnpike road from the city of Beverly, in the county of Burlington, on the bed of their present road to the town of Mount Holly, in said county, and which said road shall be kept and maintained sufficiently arched and drained to make and keep the same so that the water will readily pass off, and sixteen feet and six inches of the width thereof shall be 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 the said company shall construct, keep in repair and maintain good and sufficient bridges along the line of the said road, not less than twenty-two feet in width, and shall protect the same and the road where needed with suitable railing; and the said company may, by its 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, clay, or other material for improving said road as aforesaid, doing no unnecessary damage to said land, and with carts, wagons and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to make and carry away any stone, gravel, clay, sand, and

earth, or other material therefrom, suitable for repairing said road as aforesaid; *provided always*, that the said company Proviso. shall pay or make tender of payment for all damages for the occupancy of the lands and the materials, to be taken by the said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises, unless the owner or owners of such lands, or their legal representatives, be first had and obtained; and if the owners of the land or materials as aforesaid 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 of this state, or of a judge of the court of the common pleas of the said county, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested persons of this state commissioners to assess the price or value of such materials as may be required by said company, and all damages to be sustained, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and after ten days' notice in writing to both parties of the time and place, shall meet and 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 award and decision in writing, under their hands and seals, or the hands or seals of a majority, to the clerk of the county in which said lands do lie, to be by him filed as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the court of the county where such lands lie, at the first term after such decision of the commissioners, 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 appeal shall vest in the said court full right and power

to hear and adjudge the same; and if required they shall award a venire in the common 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 said materials, and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue if need be; but if the said jury 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 sum so awarded, or execution may issue therefor as the court direct, and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other material as has been so appraised as aforesaid; and in case any owner or owners of such land or material shall be femme covert, under age, non compos mentis, 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 corporation 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 orders of the said court for the use of the said owner or owners; all which proceedings shall be at the proper cost and charges of the corporation, except in cases of appeal as aforesaid.

Tolls, &c.

7. *And be it enacted*, That it shall and may be lawful for the said company to erect and maintain gates or turnpikes across their said road, and to demand and receive toll for traveling each mile and each fraction of a mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled, drawn by one beast,	one cent;
For every additional beast,	one cent;
For every horse and rider, or led horse or mule,	five mills;

For every dozen of calves, sheep or hogs, five mills;
 For every dozen of horses, mules or cattle, two cents;
 And it shall be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep, hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the tolls as above specified; *provided*, that nothing in this Proviso. act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from his ordinary place of public worship, or to or from funerals, or to or from his common business upon the farm where he resides.

8. *And be it enacted*, That the said company shall maintain mile stones or posts, one for each and every mile on said road, and on each stone or post shall be legibly and fairly marked the distance said stone or post is from Beverly and Mount Holly; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded; also a board, on which shall be printed in large letters, "Keep to the right as the law directs."
Milestones to be erected.

9. *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 the said road, or wilfully tear down or deface any of the printed rates of toll or other directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that are now erected or 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 twenty dollars, besides being subject to an action of 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 carriage, team or horse, 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
Penalty for injuring works

forfeit and pay three times as much as the legal toll would have been, for passing through said gates, to be recovered by the said company for the use thereof, in an action of debt, with costs of suit.

Penalty for
taking illegal
tolls.

10. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or 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 cost of suit, to be prosecuted by and recovered for the sole use of the person so hindered or defrauded.

Penalty for
obstructing
passage.

11. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of any kind or description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their said horses, carriages, sleighs or sleds, on the right hand of the said road in the passing directions, leaving the other side thereof free and clear for carriages and 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 costs of suit.

Road and
bridges to be
kept in repair.

12. *And be it enacted*, That if the said company shall not keep said road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Burlington, 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 days' 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 Burlington, 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 said part of the turnpike road or bridge so complained of, and report to 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 or bridge, 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 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 such 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 fee shall be allowed and paid as before directed; but if on 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 fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

13. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Act, when to take effect.

Approved March 14, 1861.

CHAPTER CXXXV.

AN ACT to incorporate the Union Hall Association, of Boiling Spring-

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Van Winkle, Henry Eyre, Robert Rutherford, Floyd W. Tomkins, Daniel Holzman, Henry A. Yereance and James P. Jones, their successors, and such persons as now are, or hereafter may be, associated with them, shall be and hereby are ordained, constituted and declared a body politic and corporate, in fact and in law, by the name, style, and title of "Union Hall Association of Boiling Spring, New Jersey."

Objects of
incorporation.

2. *And be it enacted*, That the object of said incorporation is to occupy and to hold for themselves and their successors, a building now erected, and such buildings as may hereafter be erected by them, and it shall be lawful for said corporation to use or lease, and permit to be used the said building or buildings, for purposes not inconsistent with the laws of this state, and the provisions of this charter.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of said association shall not exceed five thousand dollars, divided into shares of five dollars each, said shares to be deemed personal property, and transferable in such manner as the constitution of said corporation shall direct.

Trustees.

4. *And be it enacted*, That the government of said corporation, and the management and disposition of its stock, property and concerns, shall be vested in five trustees, chosen from among the stockholders, in the manner directed by its constitution, who shall hold their office for the term of one year, and by virtue thereof until others are elected, and should any vacancy or vacancies occur during the interval between the annual elections, by reason of death, resignation, or otherwise, in such case the remaining trustees shall, at the first

regular meeting, proceed to choose persons to fill such vacancy or vacancies, to hold office for the unexpired term; the said trustees shall appoint from among themselves a president, secretary and treasurer.

5. *And be it enacted*, That the election for trustees aforesaid, shall be held annually on the first Saturday evening in November, in the aforesaid building, as shall be directed by the constitution of the said corporation, and public notice of such election shall be given in at least three public places in the township; and each stockholder shall be entitled to as many votes, in person or by proxy, as he, she or they shall hold shares of the capital stock of said corporation.

6. *And be it enacted*, That in case it should at any time happen that an election should not be held on the day that, pursuant to this act, it ought to be held, 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, in the manner aforesaid, as shall be prescribed by the constitution of said corporation.

7. *And be it enacted*, That the trustees shall at all times keep, or cause to be kept, a proper book of accounts, in which shall be regularly entered all the transactions of said corporation, which book shall at all times be open to the inspection of the stockholders or their legal attorney or attorneys.

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

Approved March 14, 1861.

CHAPTER CXXXVI.

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," approved April fourth, eighteen hundred and forty-five.

Preamble.

WHEREAS, the board of inspectors of the New Jersey State Prison did, on the ninth day of April, eighteen hundred and sixty, in consideration of the additional duties imposed upon the prison physician, occasioned by the great increase of the number of prisoners, raise his salary to the sum of four hundred and fifty dollars per annum; and whereas, doubts have arisen in regard to the validity of said action of the inspectors, and as to the right of the state treasurer to pay the same without an act of the legislature for that purpose—therefore,

Salary increased to four hundred and fifty dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he is hereby authorized to pay so much of said salary as now remains unpaid, and the physician of the state prison shall hereafter receive the annual salary of four hundred and fifty dollars.

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

Approved March 14, 1861.

CHAPTER CXXXVII.

A further supplement to an act entitled "An act to incorporate the Dundee Manufacturing Company, in the county of Bergen," passed the fifteenth day of March, eighteen hundred and thirty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Dundee Manufacturing Company are hereby authorized to issue their bonds, not exceeding in the aggregate one hundred thousand dollars, and bearing an interest not exceeding seven per centum per annum, and to sell and dispose of the same; and to secure the payment of such bonds, the said company shall have power to convey or pledge by way of mortgage, trust or otherwise, the whole or any part of the property, franchises and chartered rights of said company. ^{May issue bonds.}

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

Approved March 14, 1861.

CHAPTER CXXXVIII.

A further supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six.

Branchburg
and Hillsbo-
rough town-
ships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth, ninth, eleventh, twelfth, thirteenth, fourteenth, twentieth and twenty-first sections of the act entitled, "A supplement to an act concerning roads," approved March twenty-third, eighteen hundred and fifty-nine, shall extend to and be in force in the townships of Branchburg and Hillsborough in the county of Somerset.

Repealer.

2. *And be it enacted*, That all the other sections of said act be and the same is hereby repealed, so far as respects said townships of Branchburg and Hillsborough, and that all acts and parts of acts which conflict with this act, be and the same is hereby repealed.

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

Approved March 14th, 1861.

CHAPTER CXXXIX.

AN ACT to incorporate the Hoboken and West Hoboken Horse Car Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey*, That John Syms, John Wetstein, Charles P. Benedict, Andrew Anderson, John Alcorn, Alphonse Perrin, Daniel McNeil, Charles Peebes, Charles A. Buckbee, Thomas R. Scott, James C. Egbert, Ulysses Savoye, Thomas Gardner, Andrew H. Watson, and John Van Buren, 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 Hoboken and West Hoboken Horse Car Railroad Company," and shall be capable of purchasing, holding and conveying any and all goods, chattels, lands, tenements and real estate, necessary or expedient for the objects and purposes of this incorporation.

2. *And be it enacted*, That the amount of the capital stock <sup>Amount of
capital stock.</sup> of the said company shall be one hundred thousand dollars, divided into shares of ten dollars each, and shall be deemed personal property, and transferable in such manner as the said corporation shall in its by-laws direct.

3. *And be it enacted*, That John Syms, John Wetstein, <sup>Commission-
ers to open
books of sub-
scription.</sup> John Alcorn, Daniel McNeil, and Charles A. Buckbee, 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, shall think proper, giving at least twenty days' notice of the same in at least two newspapers printed and circulating in the county of Hudson; and at the time of subscribing, ten per centum on each share subscribed for shall be paid to said commissioners, or to some one of them; and

as soon as ten thousand dollars of the capital stock shall be subscribed, and the per centum thereon paid, such commissioners shall give like notice of a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state; and at the time and place so appointed, such of the stockholders as shall attend, either in person or by proxy, for that purpose, shall proceed to elect seven directors of said company, who shall hold their office for one year and until others are chosen in their stead; the said 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 to such directors, each share of stock entitling the holder thereof to one vote; and the time and place of holding the first meeting of the directors shall be fixed by said commissioners; and the said directors so elected as aforesaid, or a majority of them, and the directors chosen at such meeting, and at every annual election held afterward, shall, as soon as may be after every such election, choose one of their number as president; and in case of the death, resignation, or removal of any director, such vacancy may be filled for the remainder of the term for which they were elected, by the said board of directors, or a majority of them; and such board of directors may appoint a president pro tempore, and such other officers, agents and servants as they may deem proper, and as may be necessary for the purpose of carrying into effect the object and purposes of this act.

Payment of
installments.

4. *And be it enacted*, That four directors of said corporation shall be a quorum for the transaction of all business of said company, and such directors shall have power to call in the capital stock of said company, at such times and in such installments as they may direct, and in case of non-payment of such installments, or any of them or any part thereof, to forfeit the share or shares of the person or persons so making default, 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 estate, stock, property and effects of the said company, and shall have power to fix such salary, pay or compensation, to be paid to their officers and servants as they may consider proper.

5. *And be it enacted*, That in case it shall happen that an election of the directors shall not be made upon the day when, Failure to elect not to invalidate charter. pursuant to this act, the same ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held on any other day, on giving at least twenty days' notice in two of the newspapers published in the county aforesaid; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their stead.

6. *And be it enacted*, That the said corporation be and they hereby are authorized and invested with all the rights, Company authorized to construct road. powers and privileges necessary and requisite to survey, lay out, construct use and operate a railroad, with all proper and necessary turn-outs and appendages, from some point at or near the Hoboken Ferry, in the city of Hoboken, along any street or streets running parallel with Washington street, in the city of Hoboken, as may be deemed best and most convenient, to the old road leading from the Hackensack turn-pike to West Hoboken; *provided however*, that said railroad Provide. shall, between First and Eleventh streets in the city of Hoboken, be laid west of Garden street and north of Eleventh street in said city of Hoboken, said railroad shall be laid west of Meadow street; thence, westerly, on such course as may be deemed best to obtain the best and easiest grade to Palisade Avenue in West Hoboken, or such other route as may be deemed best and easiest to obtain the best and easiest grade to reach Palisade Avenue in West Hoboken; thence, along Palisade Avenue, to Lake street; thence, along Lake street, to Suckley street; thence, along Suckley street, to Clinton Avenue; thence, along Clinton Avenue, to the Catholic Church in West Hoboken; thence, along or through Clinton Avenue or such other street or streets in the proposed township of West Hoboken as may be deemed best for the

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accommodation of travel and the interests of the corporation hereby created; *provided however*, that said railroad shall not, on Weehawken Hill, east of and including Clinton Avenue, approach nearer than three hundred yards to the Bergen turnpike road; and west of Clinton Avenue, said railroad shall not approach nearer than five hundred yards to the said Bergen turnpike road; said railroad not to exceed twenty-five feet in width, except in such place or places where, from the depth of the excavation or the height of the embankment, it may be necessary to take more land for the slope and protection of the said railroad, in which case, so much land as may be necessary for the purpose, and no more, shall be taken; and it shall be lawful for said company, 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 and laying out the route of the said railroad and of locating the same; and to make, erect and build all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of the said road shall have been determined, and a survey and map thereof filed in the office of the clerk of the said county of Hudson, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen or other persons in their employ, to enter upon, take possession of, have, hold and occupy any such lands, waters, streets and roads designated on such map and survey, and to excavate the same, and to erect and build embankments, bridges, and all other works necessary for the construction of said railroad, and to lay iron rails thereon, and to do all other things suitable, necessary, or proper for the making, building, completing or repairing of the said road, subject, however, to such compensation as is hereinafter provided for; *provided always*, that the payment or tender of payment of all damages for the taking or occupancy of all lands through or over which said railroad may be laid out, be made to the person or persons entitled to receive the same, before the said company, or any person or

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persons in their employ or under their direction 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 said lands be first had and obtained; *and provided also*, that in constructing said railroad through Proviso. or along any of the streets or public avenues of the city of Hoboken, the consent of the mayor and council of the city of Hoboken be first had and obtained; and that the work on any such streets or avenues shall be done under the direction of the street commissioner or other proper officer of said city, and shall not unnecessarily interfere with or interrupt the public travel during the progress of the said work, and said streets or avenues shall be restored by said company to their former good condition without unnecessary delay; *and pro-* Proviso. *vided further*, that horse or mule power, and no other power, shall be used by said company in drawing and running their cars and carriages on said railroad within the limits of said city.

7. *And be it enacted*, That when the said company or its Proceedings when company and owners cannot agree. 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 absence or legal incapacity of such owner or owners, no such agreement can be made, a particular description of the land and materials so required for the use of 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 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 company to give notice to the persons interested, if known and in this state, or if unknown or out of the 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 hereinafter named; at which time, upon satisfactory evidence produced before said

justice of the service or publication, as the case may be, of the said notice, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, not residents in the township or city in which the lands or materials in controversy lie, commissioners to examine and appraise the said land and materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making the 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 authorized to administer an oath, faithfully and impartially to examine the matter in controversy, 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 appraisal of the value of the same, and an assessment of the damages which the said company ought to pay for such land or materials 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 land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Hudson aforesaid, to remain of record therein; which report, or a copy thereof certified by the said clerk, under his hand and seal of said county, shall at all times be taken and considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, and of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit against said company, in case they should neglect or refuse to pay the same in twenty days after demand made of their treasurer; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerk,

and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, and he shall also direct who ought to pay the same.

8. *And be it enacted*, That in case the said company, or the owner or owners of the land or materials should be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court at the next term of the circuit court in and for the said county of Hudson after filing of said report, the said justice shall have power, upon good cause shown, to set aside the said report, and thereupon to direct a proper issue for the trial of the matters in controversy between the parties to be formed, and to order a jury to be struck, and a view of the premises or materials to be had; and the said issue shall be tried at the next term of the circuit court, to be holden in and for the said county of Hudson, 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 lands 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 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 offered or the said commissioners awarded, 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 said company from taking the said land or using the said materials, upon filing the aforesaid report, the value and damages being first paid, or a tender thereof, and a refusal to receive the same, or the owners thereof being under any legal disability, the same being first paid into the court of chancery of this state.

9. *And be it enacted*, That the said company may purchase, have and hold all such real estate as may be necessary and

Parties dissatisfied may appeal.

May hold real estate.

proper for the objects and purposes of this act, and may and shall have power and authority to erect and build thereon houses, warehouses, depots, stables, and other buildings and improvements as they may deem expedient or necessary for the safety of their property, carriages, and appendages of the said road, and the construction and keeping in repair of the said road, and other necessary uses, and to take and receive the rents, profits, and other emoluments thereof, and shall have the authority and privilege to erect, build and maintain over such waters and streams as the said road may cross, such piers, bridges and other facilities as they may deem expedient and necessary for the full enjoyment of the benefits of this act; *provided however*, that the quantity of land to be used by said company for any such depot, warehouse, or other buildings or improvements as aforesaid, shall not exceed one acre at either of the termini or other place along the line of said road.

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Dividends.

10. *And be it enacted*, That the president and directors of 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 said railroad.

Penalty for injury to works.

11. *And be it enacted*, That if any person or persons shall wilfully impair, injure, obstruct, or destroy the use of any part or portions of the railroad enjoyed under the provisions of this act, or any of their necessary works, bridges, or carriages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt, and further, shall be liable for all damages occasioned thereby.

May not obstruct streets.

12. *And be it enacted*, That nothing in this act shall be construed to authorize said company to lay down any railroad track or tracks in any of the public streets, lanes, roads, highways or avenues in the city of Hoboken, without the authority and permission of the mayor and council of the city of Hoboken, or city authorities of the same, by whatever name they may be called; and such city authorities shall di-

rect, by ordinance or resolution, through what streets, lanes, roads, highways or avenues (such streets, lanes, roads, highways or avenues to be, however, always within the limits designated and allowed by section sixth of this act,) said track or tracks shall be laid; and by obtaining the authority aforesaid, said company shall be authorized to put down one or more tracks in any of the streets, lanes, roads, highways or avenues so designated as aforesaid; and such city authorities shall also designate the number of tracks which shall be laid in any street, lane, road, highway or avenue of said city, and the manner of laying the same, as well as the kind of rail or rails to be used therein.

13. *And be it enacted*, That the tracks shall be laid flush with the surface of the said streets, and the said company shall cause said tracks to conform to the grade of the streets as they now are, or as it shall be from time to time established or altered, and shall keep the surface of the streets inside the rails, and for two feet outside thereof, in good proper order and repair. How tracks shall be laid.

14. *And be it enacted*, That said company shall make such rules and regulations as to the price for carriage of passengers, freight and merchandize on, said road as the president and board of directors shall elect, but the price for passengers shall not exceed the sum of five cents for each passenger per mile or less, and after that rate for all distances over a mile. Rates for transportation

15. *And be it enacted*, That when one mile or more of said 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 all the restrictions created by this act. When cars may commence running.

16. *And be it enacted*, That said horse railroad shall not approach to within one hundred and fifty feet of high water mark on the Hudson river, without first having obtained in writing the consent of the owner or owners of the property situate along the river at that point. Must not interfere with water front.

17. *And be it enacted*, That the said horse railroad may cross any road, or highway, or turnpike, or plank road, and May cross and use streets.

Proviso.

Proviso.

with the consent of the township committee of the township of North Bergen, may use for the purposes of said railroad, any road or highway within the limits of the proposed township of West Hoboken; *provided*, that the said horse railroad shall not be laid outside of the limits designated and allowed in section sixth of this act; *and provided*, that said company shall in each case restore such road, or highway, or turnpike, or plank road, to such state and condition as not to impair its usefulness; and said company may purchase, or lease, or use for a consideration, with the consent of the owners thereof, any such turnpike or plank road, or any part thereof, and use the same or any part thereof; and use or occupy the same after such purchase, or lease, or consent, for the purpose of said horse railroad; keeping, however, such purchased or leased plank road or turnpike in good condition for ordinary travel.

May contract
with other
companies.

18. *And be it enacted*, That the said corporation hereby created shall have power, and they are hereby authorized to purchase, lease or hire from any other horse railroad or railroads along the line of their said route, the right and privilege of using such other horse railroad or railroads, or any part thereof, and the right to run their cars thereon, and to make such purchased, leased or hired horse railroad a part of their said route, but only under the authority and permission of the corporate authorities of the city of Hoboken, as aforesaid.

Limitation.

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

Legislature
may alter, &c.

20. *And be it enacted*, That this act shall continue and be in force for and during the term of thirty years, and that the legislature may at any time alter or repeal the same.

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

Approved March 14, 1861.

CHAPTER CXL.

AN ACT to extend the provisions of an act to prevent horses, cattle, sheep and swine from running at large in certain parts of the township of Pequannock, county of Morris, and in the township of New Providence, in the county of Union, and in the township of Montgomery, in the county of Somerset.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to ^{Provisions of former act extended.} prevent horses, cattle, sheep and swine from running at large in certain parts of the township of Pequannock, and in the township of Chatham, in the county of Morris, approved March twenty-second, eighteen hundred and sixty," be extended to that part of the township of Pequannock, in the county of Morris, within the following limits: commencing at what is called the Old Horse Neck Bridge, that crosses the Passaic river near the dwelling house of Henry Cole, and running thence up the Passaic river its several courses, to a point where the Rockaway river empties into the Passaic river; thence up the Rockaway river its several courses to a point in said river opposite John L. Kanouse's store house in Boonton; thence to the Morris canal near said store house; thence along the line of said canal to a place called White Hall; thence along the line of the above named act to the Old Horse Neck Bridge, and to the township of New Providence, in the county of Union, the township of Montgomery, in the county of Somerset, and also all that part of the township of Rockaway, in the county of Morris, included within the following limits: Beginning at the point where the Morris Canal intersects the public road from Rockaway to Dover, near the residence of Barnabas King, thence in a direct line to the residence of Samuel S. Bassett, thence by a direct line to the residence of Nathaniel Dickinson, at the junction

of the Morris and Essex Railroad in the public highway below Denville, thence in a direct line to the John H. Glover farm and mansion house, thence in a direct line to the mansion house of Hubbard S. Stickle, on the road to Beach Glen, thence in a direct line to the residence of John Garigus, at the upper foundry pond on the road to Mount Hope, thence in a direct line to the place of beginning.

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

Approved March 14, 1861.

CHAPTER CXLI.

A supplement to the act entitled "An act for the more easy partition of lands held by coparceners, joint tenants and tenants in common."

Error in proceedings limited to three years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any partition of lands heretofore made or hereafter to be made upon application by any coparcener, joint tenant or tenant in common therein, to any court, judge, judges or other officers having jurisdiction in matters of partition, in which process has been served or notice given in the manner required by law, and any sale of lands by virtue of an order therefor, made in any such proceeding for partition, shall be binding and conclusive upon all coparceners, joint tenants or tenants in common, and all persons claiming or to claim any interest in any share in said

lands, in reversion or remainder, notwithstanding any error or illegality in such proceeding for partition or sale, unless such proceedings shall have been reversed or set aside on certiorari, writ of error or other proceeding to review the same, brought within three years after such partition or sale.

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

Approved March 14, 1861.

CHAPTER CXLII.

Supplement to an act entitled "An act to revise and amend the charter of the city of Newark."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the seventh section of the above stated act as pertains to the election of coroners, be and the same is hereby repealed. Part of former act repealed.

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

Approved March 14, 1861.

CHAPTER CXLIII.

AN ACT to authorize the planting of oysters on lands covered with water in Shark river, in the county of Monmouth, and for the protection of the same.

Freeholders
authorized to
occupy part of
river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Monmouth, be and they are hereby authorized and empowered to occupy all that part of Shark river in said county, within the following boundaries, that is to say: beginning at low water mark at Pearch Point, in the township of Ocean in the said county, and running thence, in a straight line, to Beckey's Point, in the township of Wall, in said county; thence, up said shores at low water mark (crossing the mouths of all brooks that empty into said river) as high up the said river as tide flows, or as may be deemed suitable to the growth of oysters; also, all that cove known as Mushquash Cove, north of a line from Doctor Miller's residence, to Sedge Island Bar; and that the said board of chosen freeholders of the county of Monmouth be authorized to possess the said above bounded part of Shark river for the use and manner hereinafter provided for, and during the term of twenty years from and after the passage of this act.

Commission-
ers to stake off
sub-divisions.

2. *And be it enacted*, That the said board of chosen freeholders of the county of Monmouth be authorized, at any stated or special meeting, to appoint two or more persons commissioners, who shall hold their office for one year, and until their successors are appointed, whose duty and business it shall be to stake off said river according to the aforesaid boundaries, to make a survey and map of the shores and lands covered with water, a copy of which survey shall be filed in the clerk's office of the county of Monmouth, and to lay off and cause to be marked by stakes, such sub-divisions

of said river, not exceeding two acres each, as in their discretion shall seem best designed to promote the planting and growth of oysters; *provided*, the navigation of said river be Proviso. in no wise obstructed thereby; *provided*, that no person shall Proviso. own more than two acres, and no company more than five.

3. *And be it enacted*, That it shall be lawful for the said To lease subdivisions. commissioners, after marking and staking off the said river and lands covered with water, and such subdividing the same as aforesaid, to lease and rent out the same as at public vendue, to the highest bidder or bidders, for a period not less than one year or exceeding five years; the said bidder or bidders shall in all cases be citizens of this state, and shall pay the sum bid annually during the term for which the said land covered with water is leased, the payment of which rent shall be secured to the satisfaction of the said commissioners, who are hereby authorized in their own names, or in the name of the survivor, to collect the same for the purpose herein-after provided; and upon the payment or securing the payment of said annual rent as aforesaid, such bidder or bidders, his, her or their legal representatives shall be considered and deemed to be entitled to the exclusive use and occupation of the said land covered by water so designated, during the term named, and for the purpose of planting and growing oysters thereon.

4. *And be it enacted*, That it shall not be lawful for any Penalty for violation of rights of lessees. person or persons whatsoever, other than the lessees aforesaid, and their legal representatives, to plant, gather, take, injure or destroy any oysters, within the aforesaid boundaries, during the said term, without the written permission of the said lessee and their legal representatives first had and obtained; and if any person or persons shall enter within the said boundaries without the leave and consent of the lessees thereof in writing, and injure the same, and commit any trespass thereon, he, she or they so trespassing shall be liable to the party injured, for the first offence, in treble damages, to be recovered in an action of trespass, and for the second offence shall be deemed guilty of a misdemeanor, and upon

conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment, not exceeding three months, or both.

Commissioners to enforce laws, &c.

5. *And be it enacted*, That it shall be the duty of the commissioners appointed as aforesaid to enforce the penalties and forfeitures incurred by those who are not and have not been for six months citizens and residents of this state, on entering within the boundaries aforesaid in their boats, or in any other manner, against the existing laws of this state; and further, to collect by suit or otherwise, the rents due and to become due from the several lessees of the said oyster ground as aforesaid, and after the payment of their necessary costs and expenses of discharging the duties imposed upon them by this act, and receiving therefrom such further compensation as the board of chosen freeholders shall agree they ought to have for their personal services, the residue of said money, if any, shall be paid by the said commissioners to the board of chosen freeholders of the said county of Monmouth, to be forwarded to the trustees of the state school fund, to be used in the support of public schools.

Commissioners to make report.

6. *And be it enacted*, That it shall be the duty of the said commissioners to report at least once in each year to the board of chosen freeholders of the county of Monmouth, detailing their proceedings, to which report shall be annexed a statement, under the oaths or affirmations of the said commissioners, showing the exact sum of money received and paid out by them during the year, and from whom received and to whom paid.

Act, when to take effect.

7. *And be it enacted*, That this law shall not take effect or go into operation until the first day of March, eighteen hundred and sixty-two, except so far as to enable the board of chosen freeholders to make the necessary preparations for leasing the said beds, by survey and division.

Approved March 14, 1861.

CHAPTER CXLIV.

A supplement to the act entitled "A further supplement to the act entitled 'An act to incorporate the Cape Island Turnpike Company,' approved March first, eighteen hundred and fifty-one," approved March twenty-second, eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of* Former act re-
vived. *the State of New Jersey,* That upon payment into the state treasury by "the Cape Island Turnpike Company," before the first day of July next, of the sum assessed by the laws of this state upon the act to which this act is a supplement, the said act shall take effect and be valid and effectual to all intents and purposes, as if said assessment had been paid before the first day of July last.

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

Approved March 14, 1861.

CHAPTER CXLV.

AN ACT to incorporate the New Jersey Spiral Adjustable Spring Butt Hinge Company.

Names of co-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hugh Maxwell, jr., James S. Waumaker, George B. Pierson, Rodman M. Price, Abraham Bokee, David T. Easton, William Cook, John S. Maxwell, Dudley S. Gregory, their present and future associates, 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 New Jersey Spiral Adjustable Spring Butt Hinge Company, for the purpose of manufacturing spiral spring butt hinges, and all other articles of which iron, copper or brass forms a principal ingredient, and for that purpose may hold such real estate, patented rights and effects as may be needful to carry on the said business, and may sell, mortgage, lease, or otherwise dispose of the same, together with all the powers and privileges, and subject to such restrictions as are specified in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except as otherwise granted in and by this act of incorporation; and this act shall continue in force for the term of thirty years.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be two hundred thousand dollars, divided into shares of fifty dollars each; and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock at such place in Jersey City as a majority of them may appoint, giving at least five days' notice in one or more newspapers published in said city; and as soon as one-half of said stock is subscribed, and ten per centum of the same paid in, the said

commissioners shall, by like notice, call a meeting of the stockholders for the purpose of organizing said company.

3. *And be it enacted*, That the property and affairs of this company shall be managed by nine directors, being stockholders, a majority of whom shall be residents of this state, and one of whom shall be president, who shall hold their office 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 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 or she may own. Election of directors.

4. *And be it enacted*, That the directors of said corporation shall have power to make by-laws for its government not inconsistent with the laws of this state, and may appoint such officers and agents as the business of the company may require. By-laws.

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; and the directors shall be authorized to call in the subscriptions to the capital stock of said company by such installments and at such times as they may direct; *provided*, that such payments shall not exceed five dollars on each share per month; and in case of the non-payment of 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. Stock transferable. Proviso.

6. *And be it enacted*, That regular books of account shall be kept in the office of said company, to which books every stockholder may have access, during office hours, for the purpose of inspection; and no dividends shall be declared except from the net profits of the corporation; and it shall be lawful for the said company to grant certificates of shares in full or in part payment for the estate, rights or property, that may be purchased. Books of account to be kept.

7. *And be it enacted*, That under authority of this act, Location.

said company may manufacture in the counties of Bergen, Hudson and Essex, in this state.

Approved March 14, 1861.

CHAPTER CXLVI.

A further supplement to the act entitled "An act respecting the Orphans Court, and the power and authority of Surrogates."

Rates of commissions to be allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the settlement of the accounts of executors, administrators, guardians, and trustees, under a will, their commissions over and above their actual and necessary expenses, shall not exceed the following rates: On all sums that come into their hands, not exceeding one thousand dollars, ten per cent.; if over one thousand dollars, and not exceeding five thousand, seven per cent. on such excess; if over five thousand dollars, and not exceeding ten thousand, six per cent. on such excess; and if over ten thousand dollars, five per cent. on such excess.

Repealer.

2. *And be it enacted*, That the ninth 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 March the seventeenth, eighteen hundred and fifty-five, be and the same is hereby repealed.

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

Approved March 14, 1861.

CHAPTER CXLVII.

A supplement to an act entitled "An act to authorize the inhabitants of the township of Matavan, township of Manalapan, county of Monmouth, and township of Lafayette, in the county of Sussex, to vote by ballot at town meetings," approved March sixteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this act is a supplement, be and they are hereby made applicable to the township of Jackson, in the county of Ocean; and the inhabitants of the said township of Jackson, in the county of Ocean, are required to be governed by the provisions of the said act at their annual town meetings.

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

Approved March 14, 1861.

CHAPTER CXLVIII.

A further supplement to an act entitled "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

Three aldermen for each ward to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, each ward shall be entitled to three aldermen, who shall hold their offices for the term of three years, and at the election for charter officers to be held on the second Tuesday of April next, the first, second, third and fourth wards shall each elect one person for alderman, who shall hold his term of office for three years, and the fifth and sixth wards shall each elect three persons for alderman for said wards, that at the election to be held on the second Tuesday of April, in the year one thousand eight hundred and sixty-two, the said first, second, third and fourth wards shall each elect two persons for alderman, and the said fifth and sixth wards shall each elect one person for alderman, and at each subsequent election for charter elections each ward shall elect one person for alderman.

Aldermen of fifth and sixth wards.

2. *And be it enacted*, That the alderman to be elected from the said fifth and sixth wards, under and by virtue of this act, shall each at their first meeting after their election, divide themselves by lots into three equal classes, the first of which shall go out of office at the expiration of the first year, the second of which shall go out of office at the expiration of the second year, and the third of which shall go out of office at the expiration of the third year; and the two persons to be elected for alderman from each of the first, second, third and fourth wards on the second Tuesday of April, eighteen hundred and sixty-two, shall each at the first meeting after their election divide themselves by lot into two equal classes,

one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year.

3. *And be it enacted*, That the city clerk shall give notice Clerk to advertise election. by advertisement in the corporation paper, on or before the twentieth day of March next, of the time and officers to be elected in the various wards of said city, at the election to be held on the second Tuesday of April next, which notice for said election shall be as valid and binding as though it was given by the ward clerks of the several wards of said city according to law.

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

Approved March 15, 1861.

CHAPTER CXLIX.

Supplement to "An act entitled an act to alter and amend the charter of the borough of Bordentown, in the county of Burlington," passed thirteenth of February, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power to make, grade, repair and amend the public highways, streets and alleys, in the Relative to streets.

borough of Bordentown, shall belong exclusively to the common council thereof.

Council may
levy tax for
repair, &c., of
streets.

2. *And be it enacted*, That from and after the passage of this act, it shall be lawful for the common council of the said borough to raise by tax from year to year, such sum or sums of money as they may deem expedient, not exceeding twelve hundred dollars in any one year, for defraying the necessary and contingent expenses of making, grading, repairing and amending the public highways, streets and alleys in the said borough, to be assessed and collected as township taxes are now assessed and collected, and which taxes, when collected, shall remain in the hands of the collector, subject to the order of said common council; and which said taxes shall in all things be made and collected, and shall be appealable in the same manner and within the same time as are the taxes which are authorized by the said act to which this is a supplement.

Of the street
commissioner.

3. *And be it enacted*, That the said common council shall appoint a street commissioner outside of their own body, whose duty it shall be, under the control and direction of the said common council, to clear out, make, work, repair, amend and keep in good order the public streets and alleys within the said borough, and to make, erect, and maintain therein, such bridges as the townships by the laws of the state are required to make and maintain; and that said common council may from time to time at their like discretion remove said commissioner, and substitute another in his place, and may likewise pass such ordinance or ordinances as they may deem expedient, prescribing the duties of said commissioner and regulating the clearing out, making, working, repairing, amending, and keeping in good order the streets and alleys aforesaid, and the making and maintaining of said bridges and all such other ordinances as may be necessary to carry out the object of this act with full force and effect.

Repealing au-
thority of
overseers of
highways.

4. *And be it enacted*, That from and after the passage of this act the power of overseer of the highways of the township of Bordentown, and that of the other officers of said township, over the public highways, streets and alleys in said

borough shall cease, and no moneys shall thereafter be raised by the inhabitants of said township unless owning property within said borough, for the purpose of making or keeping in repair said highways and streets, or for making and maintaining the bridges in said borough herein before mentioned, nor shall any tax be assessed or levied on property situate in said borough, to make, work or keep in repair any of the roads or highways lying in said township, beyond the bounds of said borough.

5. *And be it enacted*, That the said common council may, at their discretion, by ordinance, accept such lands as may be dedicated by the owners thereof, as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same, to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by legal proceedings. Council may accept lands dedicated for public use.

6. *And be it enacted*, That no street or alley hereafter to be opened in said borough shall be recognized, considered or treated as a public street or alley, unless the same be accepted by the common council, as provided in the preceding section, or laid out by legal proceedings. Public streets to be accepted by council.

7. *And be it enacted*, That no tax under the authority of said corporation shall be assessed, levied upon or collected from any timber, wood or farming land used for the purpose of husbandry only, situated within the boundaries thereof, or upon the stock of any farmer therein, for the use and support thereof, excepting only such tax as may be directed to be raised for the improvement and maintainance of the roads, highways and streets therein. Certain property exempt from taxation.

8. *And be it enacted*, That it shall be lawful for the common council of the said borough to pass ordinances for the leveling, grading, curbing, paving, repairing, flagging or graveling sidewalks and gutters, in any street or streets in said borough, by the owners or occupants of lots, alleys or passage ways fronting on, or adjoining such street or streets, which shall be done by the street commissioner hereinbefore directed to be appointed; and to prescribe the manner in Council may prescribe mode of working streets.

which, and the materials with which the same shall be performed, and to enforce such ordinances, by enacting penalties for noncompliance therewith, to be sued for and recovered, with costs of suit, in an action of debt, by and in the name of the mayor, recorder and common council of the borough of Bordentown, for the use of the said borough, before any court having cognizance of the same.

Proceedings
when owner
neglects to
pave, &c.

9. *And be it enacted*, That if the owner or owners of any lot, alley or passage way, in front whereof the sidewalks or gutters shall, by any ordinance of the common council, be directed to be leveled, graded, curbed, paved, repaved, flagged or graveled, shall neglect to comply with such ordinance for the space of one month from the time of its passage, it shall be lawful for the common council to cause the same to be done under the direction and superintendence of the street commissioner, and paid for out of any moneys in the hand of the collector of said borough, and the expenses thereof, certified and sworn or affirmed to by such commissioner and filed with the recorder of said borough, shall be and remain a lien upon said lot until the same shall have been paid and satisfied, and to enforce the payment of said expenses, the common council may bring an action on the case, in any court of competent jurisdiction, in the name of the mayor, recorder and common council of said borough, against the owner or owners of such lot, or his, her or their legal representatives, for so much money paid, laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence, and recover said expenses, with cost, and may proceed to sell said lot or lots in the manner now provided by law.

Tenant may
deduct certain
expenses from
rent, &c.

10. *And be it enacted*, That if the tenant of any lot within the said borough shall cause the said sidewalk in front thereof to be leveled, graded, curbed, paved, repaved, flagged or graveled, in obedience to such ordinance, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representative, with interest and cost, in an action on the case

in any court in the state having cognizance thereof, for so much money by him paid, laid out and expended to and for his, her or their use; *provided*, that nothing in this act shall Proviso. affect any contract or agreement made, or to be made, between landlord and tenants, respecting such charges or expenses.

11. *And be it enacted*, That it shall be the duty of common Council to make map of grades, &c. council to establish, as soon as conveniently may be, the grades of all the streets, alleys, and sidewalks of the said borough already laid out, and to cause the same to be recorded, and the profile or draft of the same to be filed by the recorder of the said borough, and whenever the owners of property shall have paved according to the grade so established, the same shall not be altered, unless provision shall be made, that such alterations be done at the public expense.

12. *And be it enacted*, That the survey of the streets of Certain survey established. said borough, made by Charles Potts and adopted and approved by the common council thereof, be and they are hereby declared valid and legal, and that all new pavements or curbing hereafter to be made in said borough, shall conform to said survey, and that when pavements and curbing, now laid in said borough in accordance with former grades, shall become dilapidated or worn out, of which condition the said common council shall be the only and sole judge, then such pavements or curbing shall also be relaid, in conformity to the grade established by said survey.

13. *And be it enacted*, That for the purposes enumerated in Council may levy tax for water and gas. the tenth section of the act to which this is a supplement, and for the purpose of lighting the streets of said borough, and supplying with water the fire plugs therein, the common council thereof shall have the power to raise from year to year such sum or sums of money, as they may deem expedient, not exceeding eight hundred dollars, to be assessed and collected as taxes are now assessed and collected by the laws of this state.

14. *And be it enacted*, That the office of treasurer of said Office of treasurer abolished. borough be and the same is hereby abolished, and that all the duties prescribed for said office shall be performed by the col-

lector of said borough, with such compensation as the common council by ordinance may direct.

Former acts
repealed.

15. *And be it enacted*, That all other acts and parts of acts coming within the perview of this act, and contradictory thereto, be and the same are hereby repealed.

No member of
council to be
benefitted by
any contract.

16. *And be it enacted*, That it shall not be lawful for any member of the said common council to take, have or hold any interest or claim in any job, work or contract to be performed for the said borough, nor shall they furnish or have any interest in furnishing any material or materials for any such job, work or contract, under a penalty of one hundred dollars for each offence, to be recovered together with costs of suit in the name of the mayor, recorder and common council of said borough, in any court of competent jurisdiction.

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

Approved March 15, 1861.

CHAPTER CL.

AN ACT for the preservation of the fish during the spawning season, and to prevent fishing with nets, fikes, seines or baskets in the Raritan and Millstone Rivers and their tributaries.

Fishing season
to be from
March first to
July first.

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 set or haul any seine, net, fike, basket or box for catching fish within

the waters or limits of the Raritan and Millstone rivers, or any of the streams, brooks or tributaries leading thereto, above the canal dam across said Raritan river, except only between the first day of July and the first day of March of each and every year, under the penalty of ten dollars for each and every offence, to be recovered in an action of debt, before any justice of the peace in the county in which the offence may be committed, with costs of suit, by any person who shall sue for the same, the one-half thereof for his own use and benefit, and the other half for the use of the poor of the township in which such offence may be committed.

2. *And be it enacted*, That in any action or suit for the recovery of any forfeiture, fine or penalty, given or created in and by this act, the same may be commenced by warrant or summons in the court for the trial of small causes, and proceeded in as in other causes when therein commenced by warrant or summons for the recovery of statutory fines, forfeitures or penalties, any law, usage or custom to the contrary notwithstanding.

Suits may be
before justices
of the peace.

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

Repealed.

4. *And be it enacted*, That this act is not intended to apply to, and does not apply to, fishing for shad in said rivers and their tributaries during the time mentioned in this act; *provided*, said fishing for shad shall be with nets of four inch mesh or over, so as not to destroy the small fish during the season of breeding.

Exception in
favor of shad
fishing.

Proviso.

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

Approved March 15, 1861.

CHAPTER CLI.

AN ACT to authorize the treasurer of this state to submit to the Supreme Court all questions, as to arrearages, due or to become due to the state, from incorporated companies, for taxes and transit duties.

Preamble.

WHEREAS, differences of opinion have arisen, and are liable to arise hereafter, between the treasurer of this state and the several railroad, canal and other companies or incorporations, in respect to the annual amounts due and to grow due from said companies or incorporations to the state for taxes and transit duties under their respective charters and the supplements thereto—therefore,

How the taxes, &c., may be adjusted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any railroad, canal or other company or incorporation existing under the laws of this state, shall neglect or refuse upon notice to pay to the treasurer the full amount he shall believe to be due to the state, for taxes or transit duties, from said company or incorporation; and the said company or incorporation shall be willing to submit the question upon a case mutually to be agreed upon by and between said company or incorporation and the said treasurer, aided by the attorney general to the supreme court, the said treasurer is hereby authorized and required to agree upon the facts in writing, to be signed by him and the president or other presiding officer or officers of said company or incorporation, and submit the same to the judgment of the Supreme Court; and the said treasurer is authorized and required to receive from the company or incorporation such amount (if anything) as may be found due by the judgment of said court, and to give a full acquittance and discharge therefor and from all further demand for such tax and transit duties as may be in controversy; and the said

judgment when entered against said company or incorporation shall have the same force and effect as other judgments, and may be collected by execution as in other cases; *provided* Proviso. *always*, that either party shall be at liberty to treat such cases stated as a special verdict, and bring a writ of error to the judgment of said court.

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

Approved March 15, 1861.

CHAPTER CLII.

AN ACT to authorize the State Treasurer to sell and dispose of certain shares of stock of the Camden and Amboy Railroad Company owned by the state, and apply the proceeds thereof.

WHEREAS, the state has recently, by a stock dividend of the Preamble. Camden and Amboy Railroad Company, become entitled to and is now the owner of five hundred extra shares of stock of said company, which can at the present time be sold above the par value thereof; and whereas, the state is indebted to a considerable amount, which it is desirable should be reduced as much and as fast as possible—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* Treasurer may sell stock. *the State of New Jersey*, That the state treasurer be empowered, and is hereby required by and with the advice of the governor, to sell and dispose of, for cash, the said five hun-

Proviso.

dred shares of stock, at the market value thereof, in such quantities and at such times as may be necessary; *provided*, the said stock shall not be sold at less than the par value thereof.

How proceeds
shall be ap-
plied.

2. *And be it enacted*, That the state treasurer shall apply the proceeds of such sale or sales of stock in his official capacity to the liquidation of the liabilities of the state.

Approved March 15, 1861.

CHAPTER CLIII.

AN ACT to create a new township in the county of Hudson, to be called the township of Bayonne.

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 Bergen, in the county of Hudson, lying south of the Morris canal, included within the following boundaries, that is to say: commencing at a point in Newark bay where a line, if drawn from a point where the Morris canal nears said bay into the same, at right angles thereto, would intersect the westerly boundary of the township of Bergen; thence south-easterly along the said line to the Morris canal; thence along the southerly line of the Morris canal to New York bay; thence into said bay, at right angles thereto, to the boundary line between the states of New Jersey and New York; thence along said boundary line, through New York bay and the Kill von Kull, into Newark bay, as far as the boundary of the township extends; thence

along said boundary line in Newark bay to the place of beginning, shall be and the same is hereby made into a new township, to be called by the name of the township of Bayonne.

2. *And be it enacted*, That the inhabitants of the township of Bayonne are hereby constituted a body politic and corporate in law by the name of "The inhabitants of the township of Bayonne," in the county of Hudson and state of New Jersey, and are vested with and entitled to all due rights, powers, privileges, authority and advantages, and subject to the same government and liabilities as are prescribed in the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

Incorporation
of township.

3. *And be it enacted*, That the inhabitants of the said township of Bayonne shall hold their first annual town meeting at the Centreville Mansion House, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Hudson, and afterwards at such place in said township of Bayonne as shall be determined by the electors of said township in the manner prescribed by law.

Where town
meetings shall
be held.

4. *And be it enacted*, That all paupers who have gained a settlement within the territorial limits included in said township of Bayonne shall, after the passage of this act, be chargeable to the township of Bayonne.

Paupers.

5. *And be it enacted*, That justices of the peace, commissioners for taking the acknowledgment and proof of deeds, and other officers, residing within the limits of the township of Bayonne, shall hold their offices until the same shall expire by their own limitation.

Present officers.

6. *And be it enacted*, That the poor house farm now vested in the townships of Bergen and North Bergen, and the cities of Hoboken and Hudson City, in their corporate capacity, shall be vested in and remain in the townships of Bergen, Bayonne and North Bergen, and the cities of Hoboken and

Relating to
the poor house
farm.

Hudson City, in common, in the same manner and form in all respects, and to all intents and purposes, the same as they are now vested in the said townships of Bergen and North Bergen, and the cities of Hoboken and Hudson City; *provided always*, that nothing herein contained shall be deemed or taken to alter, enlarge or lessen the shares or interests in the said poor house farm which the township of North Bergen and the cities of Hoboken and Hudson City had therein at the time of the passage of this act.

Proviso.

Township property to be divided.

7. *And be it enacted*, That the township committees of the townships of Bergen and Bayonne shall meet on the first Monday of May next, at the house of John Van Buskirk, in Saltersville, at noon, and then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships all the property or moneys on hand, or due or to become due, in proportion to the taxable property and ratables, as valued and assessed within the respective limits of said townships at the last assessment, and may adjourn from time to time until the said allotment shall be completed; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such decision, and their decision, or the decision of a majority of them, shall be final and conclusive.

Repealed.

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

Public act.

9. *And be it enacted*, That this act shall be a public act, and take effect on the second Monday in April next.

Approved March 15, 1861.

CHAPTER CLIV.

A supplement to an act entitled "An act to constitute and appoint trustees for the security and management of the fund for the support of free schools," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president of the senate and the speaker of the house of assembly, while actually employed in the discharge of their respective duties as trustees of the school fund, shall be severally entitled to receive the sum of three dollars per day and the same mileage as paid to members of the legislature, which sums shall be paid to them respectively, on a certificate to be produced to the state treasurer expressing the sum due for travelling expenses and the number of days of service, signed by the secretary of state.

Per diem to president and speaker allowed.

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

Approved March 15, 1861.

CHAPTER CLV.

A supplement to an act entitled "An act concerning the custody of infants," approved March twentieth, eighteen hundred and sixty.

Provisions of
former act
extended.

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 shall be extended so as to apply to all cases in which a husband and wife shall live in a state of separation, unless a decree of divorce separating them shall provide for the custody and disposition of their minor child or children.

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

Approved March 15, 1861.

CHAPTER CLVI.

AN ACT to incorporate the Mercantile Bank at Orange, in the county of Essex.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel W. Baldwin, Francis P. Sanford, Andrew Anderson, Theodore C. Elliott, Charles Heath, Warren S. Baldwin, George Oakes, Aaron B. Bal-

dwin, and George A. Van Wagenen, and their associates, shall be and they are hereby created a body politic and corporate, by the name of the Mercantile Bank, 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 cor- Proviso. poration 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, merchandize, 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 rates, fractions of debts previously contracted in the course of dealing, 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 Amount of capital stock. corporation shall be fifty thousand dollars, with liberty to increase it to two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; that Samuel W. Baldwin, Francis P. Sanford, Andrew Anderson, Theodore C. Elliott, Charles Heath, Warren S. Baldwin, George Oakes, Aaron B. Baldwin, George A. Van Wagenen, or a majority of them, shall be and they are hereby appointed commissioners, to open at Orange books of subscription for and to receive subscriptions to said capital stock, giving at least fourteen days notice in one or more of the newspapers printed in the county of Essex, 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 upon the first day of the opening of said books, and at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars for each share subscribed for, and it shall be the duty of the said commissioners to make an apportionment of the stock

among the subscribers in such manner as they may think best.

Election of
directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of twelve 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 the said directors shall be stockholders, 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 offices for one year, and until their successors shall be chosen, that the annual election of directors shall be 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 printed in the county of Essex; 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 or names, 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 and having the highest number of votes, as many as may be required to make up the full number of twelve directors; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of the said twelve to be president, as well of their board as of 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 dissolved, but an election thereof 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 the said capital stock, in the town of Orange, to elect the first board of directors, by giving at least fourteen days notice of the time and place of said meeting, by advertisement in one or more of the newspapers printed in the county of Essex; and at such meeting, the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election as near as may be in the manner hereinbefore prescribed of 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 the 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 an election of a president, and also a cashier; and after the said board shall have been 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 therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier of said moneys shall be 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

Commissioners to organize corporation.

until the second Tuesday in January, in the year eighteen hundred and sixty-three, after their election, and until their successors shall be chosen.

Capital stock
to be paid in.

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 payment of said installments shall be given by advertisement in one or more of the newspapers printed in the county of Essex, and that no installment of more than twenty-five dollars on each share shall be called in at any one time, nor shall said installments be required to be paid nearer than within thirty days of each other.

Proviso.

Duties of the
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 place, 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 be approved by the board of directors, in the penal sum of at least twenty-five thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Of bank notes
or bills.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of 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 or persons; 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, and his, her or their assignee or assignees successively; and all bills or 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 Dividends. board of directors of the 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.

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

10. *And be it enacted*, That no transfer of the stock of Of the transfer of stock. said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them 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.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their Corporation shall not refuse to redeem their notes. 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 the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid.

Assets liable
for redemption
of notes.

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.

Liability of di-
rectors.

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 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 have ceased to be directors either by resignation or otherwise, if 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,

Proviso.

under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.]

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 and 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 and notes. Assets in certain cases, how applied.

15. *And be it enacted*, That the stockholders of 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 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 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. Liability of stockholders.

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 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 number and denominations thereof. Actions against directors or stockholders.

17. *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 actually paid in, and if the presi- What amount of bills may be issued.

dent or cashier thereof shall knowingly or 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 of not less than one year, nor more than five years, in the discretion of the court.

Quarterly
statements to
be made.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of January, April, July, and October, in each year, after commencing the business of banking, to publish in one or more of the newspapers published in the county of Essex, a statement, under oath or affirmation, of the actual condition of said corporation, conforming as nearly as may be with the annual statement 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, cashier or 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.

Affidavit to be
filed.

19. *And be it enacted*, That it shall not be lawful for the 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 have been subscribed for and paid in, conformably to the provisions of this act.

Limitation.

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 shall require it.

Approved March 15, 1861.

CHAPTER CLVII.

AN ACT to enable Michael Mullone to convey and dispose of his property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael Mullone, of Jersey City, the husband of Ann Mullone, a confirmed and helpless lunatic, be and hereby is authorized to sell, assign, convey and dispose of all his lands, real estate, and other property that he now has or may have in his own right, by deed, will, or other appropriate conveyance, in the same manner as if he were unmarried; and that all such instruments shall be good and valid without the joining or concurrence of his wife therein; *provided*, that nothing herein contained shall affect any legal or vested rights that his wife, Ann Mullone, has in any of his said property. Sale of real estate authorized. Proviso.

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

Approved March 15, 1861.

CHAPTER CLVIII.

A supplement to the act entitled "A supplement to the act relating to hawkers, pedlars and petty chapman," approved March fifteenth, eighteen hundred and sixty.

Fees of license
reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the sum of twenty dollars shall be paid to the clerk of each county for a license, instead of fifty, as is provided for in the act to which this is a supplement.

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

Approved March 15, 1861.

CHAPTER CLIX.

A further supplement to an act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

Proceedings
when culvert
is desired.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the owners of more than one half the number of feet of property fronting upon any street or alley, or upon any part of any street or alley

not less than one square or block, in the city of Camden, shall desire a sewer or culvert constructed through and along said street or alley, or part thereof, the city council, on petition of said owners, may order the same to be constructed, and direct in what manner it shall be done, and the size thereof, and may appoint one or more discreet and skillful persons to superintend the carrying on of said work.

2. *And be it enacted*, That whenever any sewer or culvert shall have been constructed as aforesaid, the city council shall cause a particular statement and account of the costs and expenses thereof, which said costs and expenses shall include the costs and expenses across the intersections of streets, and of the proportion or part of said expense chargeable upon each lot of land, which said proportion or part shall be ascertained according to the number of feet in each lot fronting upon said street or alley, to be filed with the clerk of the said city, and the said proportion or part shall be and remain a lien upon each of said lots from the time of performing said work till the same shall be paid and satisfied; and the said city council may collect the costs and expenses of said work in the same manner as they are now authorized to collect from the owners of real estate the costs and expenses of grading, paving, graveling on the streets, as prescribed in the thirty-third section of an act to which this is a supplement, entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty; or said city may authorize any contractor who may have constructed any sewer or culvert as aforesaid, to collect the costs and expenses thereof in the name of the said city, to his own use, and at his own expense.

3. *And be it enacted*, That the city council shall have power to regulate, by ordinance, in what manner individuals and corporations shall make openings into the sewers or culverts, and to enact fines and penalties for injuries done to the same.

4. *And be it enacted*, That all acts or parts of acts incon-

How expense
to be levied
and collected.

Of sewers, &c.

Repealed.

tistent with this supplement, be and the same are hereby repealed.

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

Approved March 15, 1861.

CHAPTER CLX.

AN ACT to enable the city of Hudson to introduce water, and to pay for the laying of water pipes in a portion of said city.

Bonds for water purposes authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the inhabitants of the city of Hudson to raise a sum of money sufficient to pay for the costs and expenses of water pipes already laid in a portion of said city, the mayor and common council of said city are hereby authorized and empowered to issue in the corporate name of said city, bonds to be denominated on the face "City of Hudson Water Bonds," to an amount not exceeding five thousand five hundred and seventy-two dollars and ninety-five cents, bearing an interest of seven per centum per annum, payable semi-annually; and the principal of said bonds shall be payable at periods not less than one nor more than fifteen years from the date of the same; and a record of such bonds shall be kept by the clerk of the city, and copies of such record shall be made and delivered to the treasurer of said city, and the said corporation, and all the real estate within the corporate limits of said city, and all chattels be-

longing to any person or persons, or corporation, residing and being within the said city, shall be made liable for the principal and interest due or to become due on such bonds.

2. *And be it enacted*, That the mayor and common council of the city of Hudson are hereby authorized and empowered to make all contracts and agreements as may be deemed expedient and proper with reference to laying water pipes and introducing water in any part of said city lying south of the main pipe and reservoir of the Jersey City Water Commissioners, and to make such rules and regulations as may be necessary and expedient with reference to the laying of pipe in streets, the mode of using water, and the terms upon which the same shall be used, the collection of water rents and the enforcement of such collection; and the costs and expenses of the same shall be paid by city bonds, to be denominated on the face "City of Hudson Water District Bonds," to an amount not exceeding ten thousand dollars, bearing an interest of seven per centum per annum, payable semi-annually; and the principal of said bonds shall be payable at periods not less than one year nor more than fifteen years from the date of the same, which bonds shall not be sold for less than the par value thereof; and a record of all such bonds shall be kept by the city clerk, and copies of such records shall be made and delivered to the treasurer of said city; and the said mayor and common council, in their corporate name, and all the real estate within the district south of said main pipe and reservoir, and all chattels belonging to any person or persons, or corporation, residing or being within said district, shall be made liable for the principal and interest due or to become due on such bonds; *provided*, no pipes shall be laid in any street or avenue in said city, (except in Bergen Wood Avenue, to connect the pipes already laid in Newark Avenue with the reservoir,) unless on the application of the owners of a majority of the lands fronting upon such street or avenue.

City authorized to contract for laying pipes, &c.

Proviso.

3. *And be it enacted*, That the mayor and common council of said city, are, in addition to the powers contained in their charter, hereby authorized and empowered to raise by tax, in

Tax authorized to be levied.

such manner as is now prescribed by their charter, such additional sum or sums of money as may be deemed necessary or advisable, to pay the principal or interest of said last mentioned bonds; and such additional tax shall be assessed upon that part only of said city lying south of said main pipe and reservoir, and such additional tax shall be designated and assessed as a water tax, distinct from other taxes.

Contracts to be given to the lowest bidders.

4. *And be it enacted*, That all contracts for doing work or furnishing materials for the purpose provided for in this act, shall at all times be given to the lowest bidder who will comply with the requirements of the common council, and give ample security for doing said work and furnishing said material according to contract; but the common council shall be under no obligation to accept the lowest bid, in which case all other bids shall be thrown up and new proposals offered.

Certain former acts repealed.

5. *And be it enacted*, That the sixty-third section of the act incorporating the city of Hudson, approved April eleventh, eighteen hundred and fifty-five, the second section of the supplement thereto, approved March eighteenth, eighteen hundred and fifty-seven, the act entitled "An act to authorize the Water Commissioners of the city of Hudson to contract for and introduce water into said city, and to provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven, and the act entitled "An act to legalize certain proceedings of the Water Commissioners of the city of Hudson," approved March eighteenth, eighteen hundred and fifty-eight, be and the same is hereby repealed.

Not to affect certain proceedings.

6. *And be it enacted*, That nothing in this act contained shall be taken or construed as in any way confirming or recognizing any of the acts or proceedings of the persons named as water commissioners in any act referred to in the last preceding section.

Public act.

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

Approved March 15, 1861.

CHAPTER CLXI.

Supplement to an act entitled "An act to establish public schools."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Cinnaminson, in the county of Burlington, are hereby authorized, required and empowered, at their annual town meeting, to raise by a poll tax not less than one nor more than three dollars on each tax payer in said township, as a portion of the sum required to be raised for the support of public schools.

2. *And be it enacted*, That if at the annual district school meetings hereafter held in the said township of Cinnaminson, any money shall be ordered raised in addition to the money appropriated to said district, that a portion of the same shall be raised by a tax on the poll of each taxable inhabitant of such school district, not exceeding two dollars nor less than one dollar, as a majority of said inhabitants present at such meeting shall order, and that the amount so ordered to be raised shall be certified in writing by the trustees of such school district, or by a majority thereof, to the assessor of such township of Cinnaminson.

3. *And be it enacted*, That it shall be the duty of the assessor and collector of said township to assess and collect such poll taxes so ordered raised, at the same time as the township taxes are assessed and collected.

4. *And be it enacted*, That it shall be the duty of the township collector to pay over said poll taxes so collected, to the school superintendent of said township, for the use and benefit of the public schools, on or before the twentieth day of December, in each and every year.

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

Approved March 15, 1861.

CHAPTER CLXII.

A further supplement to the act entitled "An act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

How roads
shall be work-
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the highways in the township of New Barbadoes, in the county of Bergen, shall hereafter be worked and maintained by hire, as provided in the act to which this is a further supplement, and not otherwise.

Repealed.

2. *And be it enacted*, That the twenty-fifth section of the act to which this is a further supplement, be and the same is hereby repealed, so far as relates to the township of New Barbadoes, in the county of Bergen.

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

Approved March 15, 1861.

CHAPTER CLXIII.

A supplement to an act entitled "An act to incorporate the Trenton Horse Rail Company," approved March ninth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Corporation may adopt any approved form of rails.} *the State of New Jersey*, That the seventh section of said act be so amended that it shall and may be lawful for said company to lay such rails or form of street rails on their road, as they may consider the most approved.

2. *And be it enacted*, That so much of said act as is in- ^{Repealer.} consistent with this act, is hereby repealed.

Approved March 15, 1861.

CHAPTER CLXIV.

Supplement to an act entitled "An act to incorporate the New Brunswick Water Company," approved March first, eighteen hundred and fifty-nine.

WHEREAS, it is believed that the objects of said incorporation ^{Preamble.} would be more speedily and effectually attained, if the city of New Brunswick were empowered to subscribe for a portion of the capital stock of said company; therefore,

Common
council may
subscribe for
stock.

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 New Brunswick to subscribe to the capital stock of the New Brunswick Water Company, to an amount not exceeding fifty thousand dollars, and to issue and to sell its bonds in payment therefor.

Common
council may
appoint direc-
tors.

2. *And be it enacted*, That in case the said common council shall so subscribe to and pay for said stock, they shall have the right to vote on the said shares of stock, or any of them, by proxy, and shall be entitled to appoint as many directors of said water works, as the shares held by the city shall be in proportion to the whole number of shares of said water works; *provided*, that no member of said common council shall be appointed such director.

Proviso.

Electors of
city to vote
for or reject
this act.

3. *And be it enacted*, That at the next annual election for the officers of said city of New Brunswick, the electors of said city shall vote upon the question of subscribing to said stock, and of issuing the bonds of said city as authorized by this act; those in favor thereof depositing ballots with the words "For Water Loan" written or printed thereon, and those opposed thereto depositing ballots with the words "Against Water Loan" written or printed thereon; and the result of such election shall be certified by the election officers to the president of common council at their next meeting; and if it shall appear that a majority of the electors of said city, voting for or against said loan at such election, have voted in favor of such loan, then this act shall take effect immediately; but if otherwise, then this act shall be void.

Approved March 15, 1861.

CHAPTER CLXV.

A supplement to an act entitled "An act to incorporate the Delaware Manufacturing Company, of Trenton," passed March third, eighteen hundred and thirty-seven.

WHEREAS, the Trenton Iron Company has, by virtue of authority heretofore granted, become possessed of the entire capital stock and property of the Delaware Manufacturing Company, of Trenton; and whereas, the manufacture of steel has been successfully commenced by the said company, but can be better prosecuted under a separate organization—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name and style of the said "Delaware Manufacturing Company, of Trenton," is hereby changed to the "New Jersey Steel and Iron Company," and that the said company is hereby authorized and empowered to take, hold, and dispose of such real estate in the state of New Jersey as may be necessary and desirable for the due prosecution of its business, anything in the act to which this is a supplement to the contrary notwithstanding; and that the term of twenty-five years limited for the duration of the charter of the said company shall be computed from the passage of this act.

2. *And be it enacted*, That the Trenton Iron Company is hereby authorized and empowered to transfer and convey to the said New Jersey Steel and Iron Company, so much of its real and personal property, in exchange for the capital stock of the said New Jersey Steel and Iron Company, as may seem desirable to the directors of the Trenton Iron Company, and to exchange the said stock at par for the stock, bonds, or other indebtedness of the Trenton Iron Company,

and to appoint the first board of directors of the said New Jersey Steel and Iron Company.

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

Approved March 15, 1861.

CHAPTER CLXVI.

AN ACT to defray incidental expenses.

Items of ap-
propriation.

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 the several persons hereinafter named the following amounts, viz :

1. To David S. Anderson, for labor and materials for the state library, fifty-seven dollars and twenty cents.

2. To D. L. M. Moore, for forty copies of Cushing's Manual, furnished by order of the house of assembly, eighteen dollars.

4. To F. F. Patterson, for advertising proclamation of governor for six weeks, nine dollars.

5. To William A. Wheeler, for stationery furnished to the engrossing clerk of the house of assembly, one hundred and twenty-six dollars and ninety cents.

6. To F. F. Patterson, for printing calendar of causes, &c., for supreme court, seventeen dollars.

7. To John H. Lyon & Co., for printing copies of laws for state temperance commissioners, fifty-seven dollars and eighty cents.

8. To John H. Lyon & Co., for advertising proclamations of governors Newell and Olden, thirty dollars.

9. To Charles J. Ihrie, for extra services, express charges, &c., as state librarian, two hundred and sixty-eight dollars and forty-seven cents.

10. To James Murphy, for soap and brushes for the use of the state house, three dollars and fifty-eight cents.

11. To Charles M. Herbert, for services as private secretary of the governor, three hundred dollars.

12. To Cogill & Cooper, for work and materials furnished to the state library, eighteen dollars and thirteen cents.

13. To William A. Wheeler, for thirty-two copies of Cushing's Manual, for use of members of senate, fourteen dollars and forty cents.

14. To William A. Ashmore, for services as page of governor Olden, one hundred and two dollars.

15. To Titus H. Stout, for making fires in senate chamber, assembly rooms and committee rooms, and for hoisting flag, &c., one hundred and fifty dollars.

16. To S. & E. Roberts, for repairing clocks in state house, three dollars.

17. To Brewer & Ott, for carriages ordered by state prison committee, twenty-three dollars.

18. To John H. Cogill, to expenses incurred by employing six policemen at the reception of the President elect, per order of senate, eighteen dollars.

19. To Anthony Rowley, for sundries furnished to the senate and house of assembly, and to the different offices in the state house, for the years eighteen hundred and sixty and eighteen hundred and sixty-one, one hundred and sixty-one dollars and seventy-five cents.

20. To Joseph McPherson, to one satchel for clerk of the house of assembly, five dollars.

21. To B. S. Disbrow, for repairs of chairs in the executive chamber, and other furniture furnished, thirty-six dollars.

22. To B. S. Disbrow, for repairing chairs in the senate chamber, two dollars.

23. To C. Barricklo & Co., for articles furnished to the senate and house of assembly, ninety-three dollars and thirty-eight cents.

24. To S. Van Syckell, for articles furnished and work done in the state house, forty-one dollars and seventy-five cents.

25. To Edward Williams, for paints and work done in the state house for the year eighteen hundred and sixty, three hundred and eleven dollars and forty-four cents.

26. To Hutchinson, Wagoner & Company, for gas fixtures and labor at state house, twenty-nine dollars and nineteen cents.

27. To Phillips & Boswell, for printing calendar of causes, commissions, &c., for court of chancery, seventy-four dollars and ninety cents.

28. To John J. Strasser, for repairing locks, &c., at the state house, four dollars and twenty-five cents.

29. To Ralph H. Green, for carpenter work done in the state house, for the year eighteen hundred and sixty, thirty-two dollars and ninety two cents.

30. To Fish & Green, for lumber furnished to the state house, forty-two dollars and fifty-four cents.

31. To David Clark, for stationery furnished for the use of the senate, two hundred and ninety-five dollars and twenty-five cents.

32. To David Clark, for stationery furnished for the use of the house of assembly, one hundred and fifty-one dollars and thirty cents.

33. To David Clark, for stationery, &c., furnished for the secretary of state's office, twenty-four dollars and twenty-five cents.

34. To David Clark, for stationery, &c., furnished to the supreme court office, ninety-four dollars and thirty-four cents.

35. To David Clark, for stationery, &c., furnished for the court of errors and appeals, forty-seven dollars and seventy-five cents.

36. To Phillips & Boswell, for printing circulars for adjutant general, six dollars.

37. To John M. Vancleve, for six days' services as one of the appraisers at the state lunatic asylum, eighteen dollars.

38. To Charles Brearley and Company, for articles furnished to the state house, seven dollars and ninety-one cents.

39. To Latimer Brothers & Seymour, for stationery furnished to officers and members of the senate, eight hundred and twelve dollars and fifty cents.

40. To Joshua Jeffries, for paint and work done at the state house, ten dollars and twenty-seven cents.

41. To William A. Carr, for stationery furnished to the members and officers of the house of assembly, seventeen hundred and fifty-five dollars.

42. To William A. West, for ice furnished to the offices and court rooms at the state house, twenty-five dollars and ninety-four cents.

43. To Joseph McPherson, for one satchel for secretary of the senate, five dollars.

44. To Henry Cook, for repairing chairs at state house, two dollars.

45. To Jonathan S. Fish, for six days' services as appraiser at the state lunatic asylum, eighteen dollars.

46. To Brewer & Ott, for carriages for asylum committee, eleven dollars and fifty cents.

47. To the Trenton Water Works Company, for water supplied to the state house as per agreement, one hundred dollars.

48. To the Trenton Gas Light Company, for gas furnished to state house and street lamps in front of the state house, one hundred and forty-seven dollars and four cents.

49. To Brewer & Ott, for carriages for arsenal committee, eight dollars.

50. To Clayton Truax, William G. Bergen, and Julius Johnston, as appraisers of the personal property at the state prison, twenty-two days each, at three dollars per day, one hundred and ninety-eight dollars; and to T. W. Baxter, as clerk of the board of appraisers, twenty-two days, at three dollars per day, sixty-six dollars; the whole amounting to two hundred and sixty-four dollars.

51. To Titus & Scudder, for oil cloth and other articles furnished to the state house, seventeen dollars and eighty-seven cents.

52. To David Clark, for stationery furnished to the state library, fifteen dollars and fifteen cents.

53. To David Clark, for stationery furnished to the court and office of the court of chancery, two hundred and five dollars and forty-seven cents.

54. To David Clark, for blank books furnished to the office of the court of chancery, one hundred and seventy-four dollars and ninety-four cents.

55. To Israel Wells, for one ream of paper and other articles furnished to the state house, seven dollars and fifty cents.

56. To Isaac D. James, for mucilage and other articles furnished to the senate chamber, three dollars and eighty-eight cents.

57. To Isaac D. James, for mucilage and other articles furnished to the house of assembly, five dollars and thirty cents.

58. To William A. Wheeler, for stationery furnished to Isaac Stagg, a member of the legislature of eighteen hundred and sixty, per order of committee of the house of assembly, seventeen dollars and seventy-five cents.

59. To R. M. Smith, for money paid to Thomas B. Pier-son for mounting cannons and other work done, per order of quarter-master general, three hundred and fourteen dollars and sixty-six cents.

60. To Alexander M. Johnston, for services as assistant

clerk of the house of assembly for the year eighteen hundred and sixty-one, six hundred dollars.

61. To Benjamin K. McClurg, for services as assistant secretary of the senate for the year eighteen hundred and sixty-one, six hundred dollars.

62. To Latimer Brothers & Seymour, for mucilage and other articles furnished to the house of assembly, thirty-four dollars and fifty cents.

63. To William Norcross, for candles furnished for the state house, fourteen dollars and eighty-five cents.

65. To David Naar, for printing check lists for house of assembly, five dollars.

66. To David Naar, for printing for state library, and to one year's subscription to daily True American, &c., nine dollars and fifty cents.

67. To David Naar, for printing messages from the house, by order of the senate, three dollars.

68. To the Trenton Banking Company, for interest on warrant of the governor, one hundred and seventy-seven dollars and twenty-one cents.

69. To the Phillipsburgh bank, for interest on warrant of the governor, sixty dollars and twenty-four cents.

70. To the Mechanics and Manufacturers' Bank, for interest on warrant of the governor, one hundred and thirteen dollars and eighty-four cents.

71. To Charles S. Olden, R. F. Stockton, Joseph F. Randolph, Rodman M. Price, P. D. Vroom, Benjamin Williamson, F. T. Frelinghuysen, William C. Alexander, and T. J. Stryker, for expenses incurred in attending the peace conference at Washington, as authorized by joint resolution of the legislature, eighteen hundred dollars.

72. To quarter-master-general, for sundry items, for fuel, materials and repairs to arms and arsenal, &c., as per vouchers, viz: To American Telegraph Company, two dollars and twenty-two cents; Joseph G. Brearley, eight dollars and twenty-five cents; H. H. Snooks, eight dollars and fifteen cents; S. Van Sickell, four dollars and sixty cents; C. C. Vansyckel, six-

teen dollars; A. C. Morion, one dollar and twenty-five cents; David Ashmore, eleven dollars and fifty cents; Charles Hielent, twenty-four dollars and fifty cents; H. L. Rice, twenty-two dollars; J. R. Grinslade, thirty-nine dollars; J. R. Grinslade, three dollars and fifty cents; New Jersey Express Company, eighty-eight cents; George Mawbey, twelve dollars; Canfield & Lidgerwood, four dollars; E. McCorwin, jr., sixteen dollars; William T. Nicholson, one dollar and fifty cents; Upton & Miller, eighteen dollars and fourteen cents; Joseph McPherson, eight dollars and twenty-five cents; Trenton Locomotive and Machine Manufacturing Company, sixteen dollars and eighty cents; Fish & Green, twenty-three dollars; Charles Brearley & Co., five dollars and twelve cents; A. Hammell, seven dollars and eighty-seven cents; Camden and Amboy Railroad Company, seventeen dollars and fifty-three cents; Charles Scott & Co., twelve dollars and fifty cents; David Clark, five dollars and ninety cents; David Naar, seven dollars and fifty cents; making the sum of two hundred and eighty-seven dollars and eighty-four cents.

73. To Upton & Miller, for stoves furnished to supreme court room, secretary of state's office, and for roofing and for other work done in library, supreme court office, chancery office, senate and house of assembly, for eighteen hundred and sixty, amounting to five hundred and thirty-four dollars and eighty-eight cents.

74. To William A. Benjamin, for postage stamps and stamped envelopes furnished to the members of the senate and house of assembly, officers of both houses for eighteen hundred and sixty, twenty-four hundred and eleven dollars and forty-three cents.

75. To Peter Katzenbach, for dinner to the members of the legislature and other invited guests at the reception of the president elect, as ordered by the committee of reception, fifteen hundred and thirty-four dollars and fifty cents; Trenton Cornet Band, for music furnished, eighty dollars; American Telegraph Company, for telegrams to committee, twelve dollars and sixty-three cents; Brewer & Ott, for carriages,

sixty dollars; Toms & Lawshe, for carriages, sixty dollars; John H. Lyon & Co., for printing tickets, &c., forty dollars; J. C. Manning, for rosettes, three dollars and fifty cents; Muirheid & Clark, twenty-seven dollars and seventy-five cents; Runyon Toms, seventy dollars; Cyrus W. Cadwallader, for cleaning streets, twenty dollars; Franklin S. Mills, mayor of Trenton, for per diem of fifty police officers furnished by order of the joint committee on the day of the reception of Abraham Lincoln, President elect of the United States, one hundred dollars; the whole amounting to two thousand and eight dollars and thirty-eight cents.

76. To T. Dynan, sergeant-at-arms of the house of assembly, to cash paid assistant marshals at the reception of the President elect, eighteen dollars; for rosettes, two dollars; for shears for members, one hundred and twenty-six dollars and forty cents; amounting in all, to one hundred and forty-six dollars and forty cents.

77. To the Newark Evening Journal, to advertising meeting of commissioned officers of New Jersey militia, two dollars and fifty cents.

78. To Charles Scott & Company, for stationery for the use of the house of assembly, as ordered by D. Blauvelt, late clerk, one hundred and seventy-one dollars and seventy cents.

79. To Charles Scott & Company, for stationery for the office of secretary of state, fifty-eight dollars and fifty-seven cents.

80. To Charles Scott & Company, for stationery for the office of the clerk in chancery, two hundred and ten dollars and ten cents.

81. To Charles Scott & Company, for stationery for the use of the senate, as ordered by the secretary of the senate, three hundred and ninety-four dollars and twenty-six cents.

82. To Charles Scott & Company, for blank and check books and stationery for treasurer's office, one hundred and sixty dollars and seventy-eight cents.

84. To Charles Scott & Company, for stationery for the

use of the executive department, nineteen dollars and forty cents.

84. To William A. Benjamin, for postage stamps for use of quarter-master-general, nine dollars.

85. To David Naar, for printing for state superintendent of public schools, nineteen dollars and thirty-seven cents.

86. To David Naar, for publishing apportionment bill for districting the state, by order of the senate, nine dollars and fifty cents.

87. To F. F. Patterson, for publishing apportionment bill for districting the state, by order of the senate, nine dollars and fifty cents.

88. To J. R. Freese, for publishing apportionment bill for districting the state, by order of the senate, nine dollars and fifty cents.

89. To C. B. Vansyckle, for articles furnished to the state house, ten dollars and fifty cents.

90. To Isaac D. James, for mucilage and other articles furnished to the senate chamber, per order of secretary, ten dollars and twenty cents.

91. To Charles Scott & Company, for stationery for engrossing clerk of the senate, one hundred and twenty-four dollars and twenty-five cents.

92. To Charles Scott and Company, for stationery furnished the house of assembly, per order of J. Sharp, two hundred and forty-six dollars and ten cents.

93. To David Clark, for books, &c., furnished to the treasurer's office, forty-eight dollars and eighty-six cents.

94. To David Clark, for stationery furnished to the house of assembly per order of Daniel Blauvelt, late clerk, and J. Sharp, the present clerk, four hundred and sixty dollars and eight cents.

95. To David Clark, for stationery furnished to the senate chamber, per order of Joseph Sleeper, secretary, four hundred and forty-seven dollars and forty-seven cents.

96. To Newark Daily Advertiser, for advertising proclamation of Governor, ten dollars.

97. To David Clark, for stationery furnished to the engrossing clerk of the senate, twenty-three dollars and ninety-nine cents.

98. To David Clark, for stationery furnished to the engrossing clerk of the house of assembly, ninety-six dollars and thirty-five cents.

99. To William Southwick, for services rendered as assistant doorkeeper of the house of assembly for the session of eighteen hundred and sixty-one, one hundred and fifty dollars.

100. To Charles Scott & company, for stationery for the supreme court and for the supreme court office, eighty-four dollars and thirty-eight cents.

101. To the Princeton Bank, to interest on a warrant of Governor Olden, ten dollars and seventy-five cents.

102. To John Dynan, for services as assistant doorkeeper of the house of assembly for the session of eighteen hundred and sixty-one, one hundred and fifty dollars.

103. To Thomas Dynan, doorkeeper, for services as such during the session of eighteen hundred and sixty-one, two hundred and fifty dollars.

104. To Joseph H. Duffield, for balance of per diem for session of eighteen hundred and sixty, one hundred and sixteen dollars and fifty cents.

105. To John Y. Hoagland, keeper of the ladies' gallery, for his services as such for the session, one hundred and fifty dollars.

Approved March 15, 1861.

CHAPTER CLXVII.

AN ACT to incorporate the Boonton Protective Union, in the county of Morris.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George M. Ely, John Jacques, Adam Trumbour, Edwin Bishop, James S. Norris, William Phillips, Marcus Evarts, Joseph Milnor, Philip Wootton, of the county of Morris, and such other persons as shall become subscribers to and owners of the capital stock by this act created, shall be and they and their successors are hereby made and declared to be a body politic and corporate, in fact and in law, by the name of the Boonton Protective Union, and by that name they shall have power to lease, purchase and hold real estate in the village of Boonton, not exceeding in value fifteen thousand dollars, and to underlet such parts thereof as may not be required for the purposes of said association, which purpose is hereby declared to be the introducing and fostering of such a system of economy and trade as will tend both to protect and elevate the laboring classes, by buying and selling to them produce and merchandize at the lowest remunerative prices, and for cash only, and by making them participants in the profits thereof.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall not exceed twenty-five thousand dollars, which shall be divided into shares of five dollars each, shall be deemed personal property, and shall be transferred in such manner as the said corporation shall by its by-laws direct; the stockholders shall be entitled to one vote for each share of stock held by them to the number of ten, and beyond that to one vote for each five shares held.

3. *And be it enacted*, That the persons named in the first

section of this act be and they are hereby appointed commissioners to receive subscriptions to said capital stock, and Commissioners to receive subscriptions. whenever the subscriptions so received by them and actually paid for in cash, or as is hereinafter provided, shall amount to the sum of three thousand dollars, the said commissioners, or a majority of them, shall convene the said subscribers by public notice fixing the time and place of meeting, and giving at least five days notice thereof; and the said subscribers, or a majority of them, when met, pursuant to said notice, shall proceed to make such by-laws as they may think advisable; *provided*, they be not repugnant to the laws of this Proviso. state; and also to elect seven directors, who shall hold their office for six months and until others are elected.

4. *And be it enacted*, That the affairs of said Union shall Powers of directors. be managed by seven directors, to be chosen by the stockholders, semi-annually, by ballot, at such time and place and on such notice as their by-laws may direct; which said directors shall immediately after their election choose from their own number a president, treasurer, and secretary, and such other officers as may be necessary in carrying out the object of said company; the directors may also fill any vacancy in their own number which may result from death, removal, resignation, or refusal to serve.

5. Preamble. AND WHEREAS, the persons named in the first section of this act and certain others, their associates, to the number of fifty and upwards, are now engaged in carrying on the mercantile business at Boonton upon the principle and policy contemplated by this act, and have on hand a stock of merchandize purchased for cash.

6. *And be it enacted*, That the stock of merchandize and What may be taken as stock. other assets now owned by said associates may be taken and received at their actual cash value as and for a part of the capital of said company; *provided*, all the persons interested Proviso. therein agree to the same; and said owners may subscribe to the said capital stock the amount of the interest of each in said merchandize and assets, and upon transferring their said interest to said corporation shall be entitled to receive a cer-

tificate of stock therefor the same as if their said subscriptions were paid in cash.

No stock to be
withdrawn
until debts are
paid.

7. *And be it enacted*, That no part of the capital stock of said corporation [shall] at any time or under any pretence be withdrawn or refunded to the stockholders, until all the debts and liabilities of said corporation shall have been fully paid and satisfied.

Limitation.

8. *And be it enacted*, That this act shall take effect immediately, and remain in force twenty-one years.

Approved March 15, 1861.

CHAPTER CLXVIII.

AN ACT to incorporate the Princeton and Middlesex Railroad Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander M. Cumming, J. W. Fielder, Leavitt Howe, Martin Voorhees, Henry D. Johnson, George T. Olmsted, William V. Scudder, J. H. Janeway, Robert Stockton, Dean Brittan, Samuel Grouendyke, and S. Alexander Hamilton, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "the Princeton and Middlesex Railroad Company."

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be seventy-five thousand dollars, which shall be

divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such a 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 receive subscriptions to the capital stock of said corporation, at such time or times and place or places within the counties of Mercer and Middlesex, as they or a majority of them may think proper, giving twenty days' notice of the same in two newspapers published in the county of Mercer, and two published in the city of New Brunswick, 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 as soon as one-half of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such elections 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 said above named persons, or any three 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 subscriptions, books, and money paid in, deducting a reasonable compensation for their own 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

Commissioners to open books of subscription.

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.

Failure to
elect not to
dissolve corpo-
ration.

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

Quorum.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the remaining capital stock of said company by such installments and at such times as they may direct, by giving thirty days' notice, in two of the newspapers of the county of Mercer, and in the city of New Brunswick; *provided*, that no such installment shall exceed five dollars upon each share, and that no two installments shall be required within thirty days of each other; and in case of the non-payment of 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 company.

Proviso.

Route of 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 in the borough of Princeton, in the county of Mercer, to the railroad running from New Brunswick to Trenton, where it now is, or as it may hereafter be located, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, survey-

ing, 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, first making such compensation as is hereinafter provided.

7. *And be it enacted*, That if the said company 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, a particular description of the land 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 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 residences, 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 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 and judicious freeholders, resident in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands and to assess the damages, upon such

Proceedings
when com-
pany and
owners can-
not agree.

notice, not less than twenty 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 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 lands, 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 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 removing 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 appointments and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of 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 lands, and 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 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 to order and direct to whom the same shall be paid by the company.

8. *And be it enacted*, That in case the said company or owner or owners of the said land 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 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 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 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 awarded, then said costs to 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 land, upon the filing of the aforesaid report and payment, or tender of payment and deposit in the supreme court, of the sum assessed.

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 on or under the said railroad, where any public or other road, now or hereafter laid out, shall cross

Parties dissatisfied may appeal.

Bridges to be kept in repair.

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 on or under said railroad; and shall also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on the said railroad.

Rates for
transportation

10. *And be it enacted*, That the said president and directors shall have power to charge and demand tolls and rates for the passage of all carriages, and their contents, upon the said railroad, and to fix, make, and at pleasure change and alter such tolls and rates, and also to make regulations and rules for the collection and levying of the same, and to regulate the time and manner of transporting goods and passengers, and manner of collecting tolls on the said railroad, and also the description and formation of carriages that shall or may be used on said railroad, and all necessary machines, engines, or other motive power, wagons, carriages or vehicles; *provided*, that the said tolls so to be charged shall at no time exceed the following rates, viz: for an empty carriage, two cents; and the following additional tolls for passengers and freight, viz: in the carriages as charged as aforesaid, for every species of property, two cents per one hundred pounds, and five cents for each and every passenger carried on said railroad in said carriages; and that not more than one-half of the above tolls be charged for the carrying any fertilizing material, and that the road authorized by this act shall be and is hereby 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 said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated, as to the time of starting and rates of traveling, by the company, in the same manner as the carriages of the company are.

Proviso

Proviso.

11. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of the company, and to place upon the said railroad, all machines, engines, or other motive power, wagons, carriages and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient, and right, and to demand and receive for the transportation of passengers and all kinds of freight, goods, wares and merchandize, such sum and sums of money as the said company shall fix; *provided*, that they shall not charge more than at the rate of five cents per one hundred pounds for the transportation of property on the said road, or ten cents for carrying each passenger on said railway in the carriages of the company, and that not more than one-half of the above rates be charged for carrying any fertilizing materials.

12. *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 dividend 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, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

13. *And be it enacted*, That the said company may 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 five acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

14. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, machinery, or other works of said corporation, they shall forfeit and pay three times the amount of damages sustained by

means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Annual statement to be made.

15. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and whenever the net proceeds of said road shall amount to seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

Limitation.

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

Certain officers to pass free.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the attorney general, and the judges of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Other corporations may own stock.

18. *And be it enacted*, That any railroad corporation now in operation in the counties of Mercer or Middlesex, may subscribe for and hold the stock or bonds of this company.

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

Approved March 15, 1861.

CHAPTER CLXIX.

AN ACT to incorporate the Vincenttown Branch of the Burlington County Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Irick, William T. Jones, John H. Smalley, Charles Ewen, junior, William Irick, Alexander Elwell, M. D., Samuel P. Haines, Thomas Haines, Charles B. Jones, William H. Irick and Noah H. Peacock, and such others as may be associated with them, are hereby declared to be a body politic and corporate, by the name of "Vincenttown Branch of the Burlington County Railroad Company," and shall be capable of purchasing, holding and conveying all property that shall be necessary for the object of this incorporation.

Names of corporators.

2. *And be it enacted*, That the amount of capital stock shall be fifty thousand dollars, to be divided into shares of twenty-five dollars each, to be deemed personal property, and transferable as the corporation may direct.

Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to the capital stock at Vincenttown in Burlington county, giving twenty days' notice by publishing the same in newspapers of the county of Burlington; five per centum shall be paid on each share when subscribed; and at the time of subscribing for said stock, five dollars shall be paid on each share subscribed to the commissioners, or some one of them, and that the residue of the subscription shall be paid in such installments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, by giving twenty days' notice thereof as aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit

Commissioners to open books of subscription.

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; and whenever twenty thousand dollars of the capital stock shall be subscribed, such commissioners shall, as soon as they deem it expedient, give like notice for a meeting of the stockholders at such time and place as they may designate, 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 said above named persons, or any three of them, shall be inspectors of the first election of directors of the said company, 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 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; 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 corporation shall provide.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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 corporation shall not for that cause be deemed to be dissolved, but such election may be held at some 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.

Route of road. 5. *And be it enacted*, That the directors are invested with

full power to lay out and construct a railroad from a point in Burlington County Railroad, at or near Charles Ewens' house, running through the county of Burlington to Vincen-town, with the privilege of building branches to any of the marl beds in the vicinity; *provided*, that said branches shall Proviso. not exceed two miles in length, and to run engines and cars on such railroad and branches, and to demand and take fare and tolls for the transportation of passengers and merchandise thereon, not to exceed five cents per mile for each passenger, and ten cents per ton per mile for each ton of heavy merchandise, produce, property and freight, but for the transportation of dry goods, packages and express freight, the said company may charge such reasonable rates as they shall deem proper; said road not to exceed sixty-six feet in width, and each of said branches not to exceed fifty feet in width; and where the same shall cross any public highway, turnpike or plank road, the crossing shall, if at the grade thereof, be well planked or stoned, or otherwise made and maintained in good repair, so as not unnecessarily to impede the travel or interfere with the public convenience.

6. *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, bridges and waters for the purpose of exploring, leveling, surveying and laying out the route of such railroad and branches, and of locating and 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 its branches, 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 the persons in their employ or authorized by them, compensation being first made therefor, to enter upon the possession of, hold, use, occupy and excavate any such lands or such parts thereof, and to hold and enjoy such and so much of all rights, privileges, franchises property and

Company authorized to construct road.

bridges as they may acquire or take as herein provided, and to erect embankments, viaducts, and all other necessary works thereon, and to lay rails and to do all other things which may be suitable and necessary for the making, completion and repair of said railroad and its branches, and to carry into full effect the objects of this act, and may take and use any stone, gravel, sand, clay or other earth on or near the said route, which may be required for the construction of, repairing or altering the said road or its branches, or of any of the works or appendages, first making compensation therefor in the manner hereinafter provided.

Proceedings
when company
and owners
cannot agree.

7. *And be it enacted*, That if the said railroad, or its branches, shall cross any lands, bridges, or any parts thereof not owned by 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 for the use or purchase 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, property or materials so required for the use of the said company in the construction of the said road and branches, shall be given in writing, under the oath or affirmation of some engineer, superintendent, or proper agent of said company, and also of 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 circuit court of the county where such lands, property or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons, corporation or corporations interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, 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 this state, commissioners to examine and appraise the said lands, property and materials, or any of them, and assess the damages, upon such notice, not less than twenty days, to be given to the person or persons, corporation or corporations interested, or otherwise as shall be directed by the judge making the appointment of the commissioners; and it shall be the duty of said commissioners, or a majority of them, having first taken and subscribed an oath or affirmation before some person duly authorized to administer 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 and examine the said lands, property and materials, or such of the same as may be required for the purposes of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages, which shall be paid by the company for such land, property, 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, with the aforesaid description of the land, property or materials, and the appraisement and oaths and affirmations aforesaid, in the clerk's office in the county in which said lands, property or materials shall be, or in case the same shall lie partly in one county and partly in another, then to be filed in the clerk's office of either county, to remain of record therein, which report, or a copy thereof, certified by the clerk of the county, or in case of an appeal the verdict of a jury and the judgment of the court thereon, or a copy thereof certified by the clerk of the supreme court shall (the appraisement and damages found or assessed, with the costs adjudged, being first paid or tendered,

and deposited in the supreme court,) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land, property and materials, and any judge of said circuit or supreme court shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the judge of said court, commissioners, 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.

Parties dissatisfied may appeal.

8. *And be it enacted*, That in case the said company, or owner or owners of the said lands, property or materials, shall be dissatisfied with the report made by the commissioners, or by a majority of them, named in the preceding section, the party so aggrieved may appeal to the supreme court, at the first term after the filing of said report, by proceeding in form of petition to the 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 to order a jury to be empannelled and sworn, as in other cases, and a view of the lands, property and materials to be had, if either of the parties desire it, and the issue to be tried at the next term of the circuit court to be holden in the county in which the supreme court shall order the trial to be held, or at any subsequent term to which the said cause shall be continued, 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, property and materials, and the damages sustained, and if they shall find a greater sum than the said commissioners have awarded or the company have offered to said owner or owners, then judgment thereon, with costs, shall be entered in the supreme court against 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 said supreme 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 supreme court shall direct, shall be paid by the company to the owner or owners of the land or materials in controversy; or tendered, and if refused, deposited in the supreme court; *provided*, that Proviso. such appeal or application shall not prevent the said company from taking the said land, property and materials, upon the filing of the aforesaid report and payment, or tender of payment, and deposite in the said supreme court of the sum assessed as aforesaid.

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

10. *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 each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business. May hold real estate.

11. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any building, machinery 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. Penalty for injury to works.

Tax to the
state.

12. *And be it enacted*, That whenever the net proceeds of the road authorized to be built by this act shall amount to seven per centum per annum on its cost, the said company shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. .

May contract
with other
companies.

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 kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts.

Limitation.

14. *And be it enacted*, That the said road must be commenced within five years and completed within ten years from the fourth of July, eighteen hundred and sixty-one, or this charter shall be void.

Who may
ride free.

15. *And be it enacted*, That the governor, the attorney 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 annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved March 15, 1861.

CHAPTER CLXX.

A further supplement to the charter of the city of New Brunswick, approved February twentieth, eighteen hundred and forty-nine.

WHEREAS, at a joint meeting of the common council of the said ^{Preamble} city, and of the township committee of the township of New Brunswick in the county of Middlesex, it was "Resolved, that as by the action of the last legislature of this state, the township of North Brunswick was divided into the townships of North Brunswick, East Brunswick and New Brunswick, thereby leaving the township of New Brunswick somewhat less territory than the corporation limits of the said city of New Brunswick, and as the expenses of the separate boards of officers for said city and township are unnecessary and very expensive, tending greatly to the increase of taxes, we deem it expedient for the best interest of the citizens of New Brunswick, that the city and township of New Brunswick be incorporated into one government," therefore

1. BE IT ENACTED *by the Senate and General Assembly of the* ^{Boundary} *State of New Jersey*; That the limits and boundaries of the said city of New Brunswick shall be hereafter as follows, that is to say: beginning at the mouth of the Mile Run Brook where it falls into Raritan river; thence, south-easterly, up the said Mile Run Brook, to where it crosses George's road; and thence, due east, until it strikes Lawrence's Brook; and thence, down the said Lawrence's Brook, following the several courses thereof, until it falls into the Raritan river; thence, north-easterly up Raritan river, to Mile Run Brook and beginning, and being the same boundaries as now established by law for the township of New Brunswick in the county of Middlesex.

Incorporation
of city.

2. *And be it enacted*, That the said city and township are hereby declared one corporate body under the charter of said city, the supplements thereto and this act, and that the corporate name or style be changed to "The Corporation of the City of New Brunswick;" and the said corporation and the inhabitants thereof, in their said corporate capacity, are confirmed and continued in all the rights, powers, privileges, property, laws and ordinances of the said city, and subject to all its lawful debts, liabilities, duties and engagements, except as hereby or hereafter modified, altered or repealed, and shall and may have, enjoy and possess all the rights, powers, authorities and property, and shall and may be subject to all the liabilities, debts and duties now vested in, prescribed for or existing in or against "the inhabitants of the township of New Brunswick in the county of Middlesex," or that may by general law be given to or imposed on the townships of this state, unless otherwise directed or provided for.

Of the city
election.

3. *And be it enacted*, That the annual election in and for the said city shall be held on the second Monday of May, at the city hall in the said city; and the town clerk of said city shall cause public notice of the time and place thereof, and of the officers to be elected thereat, to be set up at five or more public places in the said city, or advertised in one or more of the newspapers of the said city, at least ten days before such day of election; and all inhabitants of the said city qualified to vote at township meetings in this state, shall be entitled to vote thereat.

Officers to be
elected.

4. *And be it enacted*, That at such election, the inhabitants of said city so qualified to vote, shall and may from the citizens residents therein and entitled to vote, then and there, by ballot and plurality of votes, choose and elect a mayor, recorder, six aldermen, six common councilmen, a town clerk, a judge of election, assessor, collector, a town superintendent of public schools, three chosen freeholders, two surveyors of the highways, three or more commissioners of appeal in cases of taxation, five or more constables, one overseer of the poor,

and who shall continue in office for one year and until their successors shall be elected and qualified.

5. *And be it enacted*, That elections for justices of the peace to which the said city may be entitled from time to time, shall be held at the city hall in the said city, in the manner directed by the act relative to justices of the peace, and that all elections hereafter to be held in the said city for officers of the general and state governments, that may be eligible by the people, shall be held therein at the place appointed for holding the city election, on the day or days designated by law for holding such election, and shall be regulated and conducted in the same manner as like elections in the other townships of this state, and the judges and officers shall possess the same powers, perform the same duties, receive the same emoluments and incur the same penalties as are imposed on the judges and officers of the like elections in other townships of this state.

6. *And be it enacted*, That the poll for the next, and each succeeding election, shall be opened at eight o'clock in the morning and closed at seven o'clock in the afternoon; the judge of election, assessor, collector and clerk elected at the last township meeting of New Brunswick shall be the judges and clerk of the next election, and the similar officers as chosen for the said city under this act, shall be the judges and clerk of each succeeding election, and any vacancy therein shall be filled in the manner regulating the same at general elections; the names of all persons voting shall be written in a poll book to be kept by the said clerk; and the officers of the said election shall, after counting the votes for the several candidates, publicly announce the result, and within three days thereafter make a certificate, under their hands, of the result, and file the same with the town clerk for the use of the common council at their first meeting after such election; *provided*, that the common council of the said city may from time to time prescribe by ordinance such further lawful regulations as to the said election and certificate of the result as they may deem or find expedient or necessary.

Powers and
duties of cer-
tain officers.

7. *And be it enacted*, That the said town clerk, judge of elections, assessor, collector, commissioners of appeal in cases of taxation, chosen freeholders, surveyors of the highways, town superintendent of public schools, constables and overseer of the poor so elected, shall respectively possess the powers and perform the duties of the like officers of the townships of this state, as far as consistent with this act; and that the common council of said city, to wit: the mayor, recorder, aldermen and common councilmen shall, in addition to their other duties and powers under the charter, individually and collectively possess the powers and perform the duties now vested in and required of township committees, as far as the same are consistent herewith.

Of vacancies.

8. *And be it enacted*, That in case a vacancy shall occur either by a refusal to serve, death, or any other cause whatsoever, in any of the officers authorized by this act to be elected at the annual election, it shall and may be lawful for the common council of the said city, except justices of the peace, to appoint others in their stead, to fill such vacancy until the next election, and the person or persons so appointed shall perform the like services, be subject to the like responsibilities and penalties, and entitled to the like compensation as if elected at the annual election, except also in the case of the mayor, recorder, aldermen, and common councilmen, in which a vacancy shall or may be filled by a special election, to be ordered by the common council, under their direction.

Statement of
expenses, &c.,
to be publish-
ed.

9. *And be it enacted*, That it shall be the duty of the common council to cause to be published in the newspapers of the said city, at least ten days before the annual city or town meeting; a statement of all moneys received or collected for the use of the city, or city purposes, during the past year, the sources thereof, how applied, the amount of the then indebtedness of the city, and balance of funds, if any, in their hands, and also of the amount in their opinion necessary to be raised by tax for the ensuing year for the use of the city, under appropriate heads and sums thereto; and that the annual city or town meeting shall be held at the hour of ten

o'clock in the forenoon of the second Monday in May yearly, at the same place where the annual election is being held, for the purpose of raising, voting and appropriating all such sums of money as the qualified inhabitants of said city may desire to raise, vote and grant, and said inhabitants shall and may then and there, in the usual way and form, vote, grant, raise and appropriate such sums; *provided*, that the same do not exceed the amount so recommended by the common council, and which said sums shall be assessed and collected by said assessor and collector, or other qualified person, in like manner and at the same time as the state and county taxes, and the said state and county taxes shall be assessed and collected; *provided*, that all moneys collected for the use of the city shall be paid to the treasurer thereof, and shall and may be drawn therefrom by common council on due warrant or order.

Proviso.

Proviso.

10. *And be it enacted*, That the said assessor shall, within fifteen days after the completion by him of any assessment, file a copy thereof with the town clerk for the use of the common council, and that the said collector or other qualified person shall, when and as often as required by said common council, file with the said clerk for the same use a copy of his duplicate or warrant, and of all names and amounts thereon, and of all sums received by him thereon, for which said services the said common council shall provide reasonable compensation, and said common council may, if in their opinion the interests of the city requires it, appoint a special collector of arrears of taxes, to whom the warrant or warrants may be delivered, and who, after giving bond with such security as common council shall approve, shall and may perform all the duties relative thereto and receive all fees therefor, as fully as any constable elected at the annual town meeting.

Collector of arrears of taxes.

11. *And be it enacted*, That it shall and may be lawful for the said common council to borrow money in the name of the city, on note or other security, in anticipation of the taxes or sums levied and voted at the preceding annual city or town

Council may borrow money

Proviso.

meeting; *provided*, that the sum or sums so borrowed shall not amount in all to more than one-half of the taxes or sums levied and voted at the preceding annual town meeting, nor be made payable later than thirty days after the time fixed by law for the collection of the said taxes; and that upon all taxes remaining unpaid after the time fixed by law therefor, interest at and after the rate of twelve per cent. per annum shall from that time be charged and collected by the collector or other qualified person collecting the same.

Powers and duties of certain officers.

12. *And be it enacted*, That the said common council shall and may appoint as many overseers of the highways, and pound keepers, for the said city, as they may think necessary or convenient, and that the town clerk elected at the annual election shall also be the town clerk of said city, possess the powers and perform all the duties incumbent on such clerk under the charter of said city, and the supplements thereto or ordinances thereof; and that the marshal of said city shall hereafter be appointed by the common council under the seventh section of said charter, and that the overseer of the poor shall be under the direction and control of the said common council, and shall give such bond to the said city in such sum and with such security, for the faithful performance of the duties of his office, as said common council shall approve.

Of justices of the peace and constables.

13. *And be it enacted*, That the justices of the peace now resident in the said city, or hereafter elected and resident therein, are hereby severally declared and constituted a court of record to take cognizance of all offences against the ordinances and by-laws of the said city, and as fully and in manner provided or given to the mayor or recorder, or either of the aldermen of said city by the charter of said city, the supplements thereto, or any ordinances in pursuance thereof, and to take and receive the fees and sums allowed or provided for such services, and may issue and direct their process to the same officers as are therein provided, or to any one of the constables of the said city, and such constables or officers shall and may serve, execute and return all such lawful pro-

cess, issued and delivered to them, or either of them, by any such justice for any violation of any city by-law or ordinance of the said city, or by the mayor, recorder, or either of the aldermen of said city, who may in all cases issue process to said constables as to any other police officer of said city, and such constable or other officer shall be entitled to demand and receive all fees allowed or provided for such services.

14. *And be it enacted*, That the first meeting of the common council of said city, elected under this supplement, shall be on the first Saturday succeeding the annual election, and that when the said common council shall be sworn in and qualified, the time, term and duties of the present members of common council shall cease, and that all oaths or other security called for or required by the said charter, or supplements or ordinances, shall be taken and given by said members so elected as far as applicable under this supplement; and that all oaths or other security required by law of any of the other officers elected at the annual meeting, shall be by them respectively taken and given, substituting where necessary the name of said city for the township of New Brunswick.

15. *And be it enacted*, That this act shall go into effect on and after the second Monday of May next; but it shall be the duty of the present common council of the city of New Brunswick, with the assistance of the township committee of New Brunswick, to cause the notices required and the statements mentioned in the third and ninth sections of this supplement, to be put up and published for the time and as therein directed, as far as practicable; and that all sections, or parts of act, or acts, so far as they conflict herewith, be to that extent modified or repealed; and that this act shall not affect any suits now pending in the name of the city or of the township of New Brunswick, but the same shall proceed as before to determination, or in any wise affect commissions of the justices of the peace heretofore elected in the township of New Brunswick, or impair or destroy the vested rights of any persons.

Approved March 15, 1861

CHAPTER CLXXI.

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

Election of
town commit-
tee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at the annual township meetings in the township of Cinnaminson, in the county of Burlington, are hereby empowered to elect at such meetings three judicious freeholders, residents within said township, who shall be denominated the township committee, a majority of whom shall be a quorum to transact business.

Committee to
consult with
overseers of
roads.

2. *And be it enacted*, That in addition to powers conferred heretofore upon the committee of said township, they shall have power to consult with the overseers of highways relating to the construction and repairs of roads, and to determine when and where such construction and repairs shall be made; and it shall not be lawful for the overseers to proceed with any work without authority from said committee.

Repealer.

3. *And be it enacted*, That so much of the twelfth section of the act to which this is a supplement, and the second section of the supplement thereto, approved March fifth, eighteen hundred and fifty-two, and all other acts and parts of acts and supplements within the provisions of this act, be and the same are hereby repealed.

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

Approved March 15, 1861.

CHAPTER CLXXII.

AN ACT supplementary and amendatory of an act entitled "An act to incorporate the Bergen and Rockland County Railroad Company," approved March eighth, eighteen hundred and sixty-one.

WHEREAS, the amendment adopted by the house of assembly Preamble. to the act entitled "An act to incorporate the Bergen and Rockland County Railroad Company," approved March eighth, eighteen hundred and sixty-one, in the seventh section thereof, requiring the railroad authorized to be constructed by said act, in case the same should be surveyed, laid out and constructed to the northern railroad, should be surveyed, laid out and constructed to said last-mentioned railroad, "at or north of Van Brunt's Station," as the same appears on the minutes of the house of assembly, was erroneously and by mistake engrossed by the engrossing clerk of said house so as to read "at or near Van Brunt's Station," and the said error was inadvertently incorporated in said act, as the same has been passed and approved by the Governor, therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said error be and the same Error in former act corrected. is hereby corrected; and in case the railroad authorized to be constructed by said act shall be surveyed, laid out and constructed to said northern railroad, the same shall be surveyed laid out and constructed to said last mentioned road, at or north of Van Brunt's Station.

Approved March 15, 1861.

CHAPTER CLXXIII.

Supplement to an act entitled "An act to incorporate the Hoboken and Weehawken Horse Railroad Company, and to confirm the grants therein mentioned," approved February fourteenth, eighteen hundred and sixty.

Powers of the
corporation
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and is hereby authorized and empowered to extend its horse railroad into and over all parts of North Bergen township in the county of Hudson, as this township existed on the first of January last, except over that part of the said township lying west of the old Bergen wood road or of the Dallytown road, or over any other part of said township, lying south of the Bergen turnpike over which the said Hoboken and Weehawken Horse Railroad Company had no right to extend by virtue of their original charter; and that it shall be lawful for said company to take and appropriate in said townships all lands, rights, privileges and property necessary to carry into effect the objects of this act; and that it may cross and use for the purposes of this railroad, any road or highway, or turnpike or plank road, in the manner and upon such terms, and subject to such compensation as are mentioned and provided for in the act to which this is a supplement.

May file sur-
veys, &c.

2. *And be it enacted*, That the said corporation shall have power to file the survey of the route and location of their road, and of the extension of it hereby granted, (as far as the filing of such survey is required of them by the act to which this is a supplement,) in parts or sections and at such times as by them shall be deemed most expedient; and that if at any time or times hereafter it should be found necessary or expedient, for the purpose of better carrying into effect the objects of this act and the act to which this is a supple-

ment, and for the better accommodation of the public, to alter within the limits or boundaries prescribed to them the route and location of any part of their road already constructed or not, or of which a survey has or has not already been filed; it shall be lawful for said corporation to have a survey made of any other route and location to take the place of the part so desired to be altered; and after having filed the survey of such new route and location, the said corporation may construct, maintain and operate their road over the place and places indicated by the new survey, subject, however, always to such compensation, and upon such terms and conditions as provided for in the act to which this is a supplement.

3. *And be it enacted*, That the fifteenth section of the act Repealed. to which this is a supplement be and the same is hereby repealed; *provided*, the horse railroad authorized by that act, Proviso. or three miles thereof, shall be constructed and in operation within five years from the fourth of July next.

4. *And be it enacted*, That if any person shall wilfully im- Penalty for in- pair, injure, destroy or obstruct the use of any railroad ope- juring works. rated by said corporation, or in any of their necessary works, bridges or carriages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

5. *And be it enacted*, That any part or parts of the act Repealed. to which this is a supplement, inconsistent with the provisions of the present act, are hereby repealed.

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

Approved March 15, 1861.

CHAPTER CLXXIV.

AN ACT to incorporate the Hackensack and Carlstadt Telegraph Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph C. Baldwin, William S. Banta, David Terhune, Speer Cumming, John J. Anderson 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 and assigns, are hereby made and declared to be a corporation and body politic, by the name of the Hackensack and Carlstadt Telegraph Company.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be twelve hundred dollars, and shall be divided into shares of twenty dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such installment or installments, and upon such notice as the said company may by their by-laws or otherwise direct or appoint; and in case of a failure by any stockholder to pay his or her installment or installments, at the time and place mentioned and appointed for the payment thereof, or within ten days thereafter, such stockholder shall make a forfeiture of his or her shares and all previous payments thereon for the use of said company.

Stock trans-
ferable.

3. *And be it enacted*, That the capital of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; that every share of stock shall be entitled to one vote by the holder or holders thereof, which may be given in person or by proxy.

First directors

4. *And be it enacted*, That the affairs of said company shall be managed by five directors, and that Joseph C. Bald-

win, William S. Banta, David Terhune, Speer Cumming and John J. Anderson, are hereby appointed the first directors, who shall serve until the first day of January next, and until others are chosen in their stead.

5. *And be it enacted*, That the said company shall elect Meetings. directors and officers, and hold meetings at such times as shall be directed by the company, the officers to consist of a president, secretary and treasurer.

6. *And be it enacted*, That the board of directors shall have power to erect a telegraph line in Bergen county, from some point in New Barbadoes township, passing through Lodi township, to some point in Union township, and for that purpose may purchase and hold real estate, erect poles and wires, and all necessary appendages. May erect a line of telegraph.

7. *And be it enacted*, That the rates charged for transmitting messages over the line of this company, shall not exceed those charged by the other companies now in operation in this state. Rates of charge.

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

Approved March 15, 1861.

CHAPTER CLXXV.

AN ACT to confirm a deed from James Rafferty and wife to Stephen McGlone.

Preamble.

WHEREAS, James Rafferty and Elizabeth, his wife, of Tyrone county, Ireland, did on the eighth day of January last execute to Stephen McGlone, of the city of Trenton, New Jersey, a deed for certain land in the said city of Trenton, which deed was duly signed and sealed by said grantors, and was duly acknowledged, excepting that the acknowledgment was taken before a justice of the peace at Londonderry, Ireland, and was certified to by Alexander Henderson, United States consul at that place, under his official seal—therefore,

Acknowledgment confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed, and certificate of acknowledgment thereof, and also the record thereof when the same shall be recorded, shall be deemed and considered as good, valid and sufficient in law, and the said record or a certified copy shall be taken and received in evidence to prove the title to the property in said deed conveyed, as fully as if the said acknowledgment had been in all things certified and proved according to the laws of the state of New Jersey, any law, custom or usage, to the contrary notwithstanding.

Approved March 15, 1861.

CHAPTER CLXXVI.

A supplement to an act entitled "An act to authorize the making of a road or causeway in Elizabethtown or Great Meadows, leading from the small island to the meadow of John Stiles," approved March second, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the office of every commissioner ^{When office of commissioner to cease.} created by the act to which this is a supplement, shall cease and become vacant whenever such commissioner shall cease to have any estate in the lands, or any part thereof, which are assessed under the provision of the said act for any of the purposes authorized by the said act.

Approved March 15, 1861.

CHAPTER CLXXVII.

A supplement to an act entitled "An act to authorize the chosen freeholders of the county of Gloucester to build a draw bridge over Nacott creek, at a place called Port Republic," approved February seventh, eighteen hundred and twenty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the draw in the bridge au- ^{Width of draw}

thorized to be built by the act to which this is a supplement, shall be at least thirty feet wide.

Repealer.

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

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

Approved March 15, 1861.

CHAPTER CLXXVIII.

A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Property to be
exempt from
taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the property exempt from taxation by the act to which this is a further supplement, the funds of all charitable institutions or associations collected and held exclusively for the benefit of the sick or disabled members thereof, or for the widows of the deceased members of such charitable institutions or associations, or for the education, support and maintenance of the children of the deceased members thereof, shall also be exempt from taxation.

Approved March 15, 1861.

CHAPTER CLXXIX.

A further supplement to an act entitled "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* ^{Amendment of former act.} *the State of New Jersey*, That section three, of title two, of said act, be amended by adding after the words "a clerk of the city," the words "two assessors," and also by striking out the words "a poundkeeper;" that section four, of title two, be amended by striking out the words "one assessor," and also by striking out the word "three," and inserting the word "two" in its place.

2. *And be it enacted*, That the clerk of the city shall be ^{Of the clerk and fire warden.} clerk of the commissioners of appeal, and shall have power to administer all oaths and affirmations necessary to be used before said commissioners; that the council shall have power to appoint a fire warden of said city, in such a manner as they shall by ordinance prescribe, and also to fix his compensation.

3. *And be it enacted*, That the city clerk shall receive for ^{Salary of city clerk.} his pay and compensation six hundred and fifty dollars per annum, and shall keep his office open at least seven hours each day, except Sundays, at such times as shall be prescribed by an ordinance of the council.

4. *And be it enacted*, That in all cases in which persons ^{Fees to clerk in certain cases.} 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, on presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

5. *And be it enacted*, That section thirty-eight of said act ^{Or removal of certain officers.} to which this is a supplement, be repealed, and the following

Proviso.

inserted in lieu thereof: "*and be it enacted*, that any officer, except the mayor, may be removed from office for cause by resolution of the 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 elected to said council vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large upon the journal of the council."

Amendment
of former act.

6. *And be it enacted*, That section forty of said act be amended by inserting at the end of the seventeenth sub-division thereof the following provision: "eighteenth—to prescribe and define the duties of all officers elected and appointed under or by virtue of this act, except the mayor, justices of the peace, councilmen, and chosen freeholders."

Of the fire de-
partment.

7. *And be it enacted*, That section forty-three of said act be amended by inserting after the words "maintaining public schools," the words "maintaining the fire department."

Of taxes upon
real estate, &c.

8. *And be it enacted*, That section fifty-five of said act be amended by adding the following provisions at the end thereof: "and whenever within said city any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the council, it shall be lawful for the council to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per cent. per annum from the time of confirmation of said assessment until the same be paid; that any assessment or estimate of value in damages made by any commissioners under this act, or the act to which this is a supplement, that may be made upon principles contrary to law, and the provisions of this act, or the act to which this is a supplement, may be reviewed, and for such cause set aside by the supreme court or the circuit court of the county of Hudson, upon certiorari, and the said court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew

as to the part set aside, and for the purpose of such examination the supreme court or said circuit court may require, by rule, the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose."

9. *And be it enacted*, That section fifty-seven of said act ^{Of contracts for work, &c.} be amended by striking out the words "and shall at all times be given to the lowest bidder who will comply with all the requirements of the council, and will give ample freehold security for doing said work and furnishing said materials according to contract," and by adding the following provision at the end thereof: "but the council shall be under no obligation to accept the lowest bid, and may reject all bids if they shall think proper, and in case of such rejection the council shall again advertise for proposals, and proceed in all things as if no proposals had been offered."

10. *And be it enacted*, That section sixty-three of said act ^{Powers of council to fix salaries and make appointments.} be repealed, and the following inserted instead thereof: "*and be it enacted*, that the council shall have power to fix the salary, pay or compensation of all officers, both elected and appointed, except such as are provided for in this act, or the act to which this is a supplement, by general ordinance, and the salary or compensation of any officer which has once been fixed shall not be increased during the continuance of his term in office; and that said council shall have power and authority by general ordinance to appoint a corporation attorney, a city physician, a corporation printer, a poundkeeper, a sergeant-at-arms of the council, and such subordinate and other officers and agents of said city not named in this act or the act to which this is a supplement, as they shall think necessary either for the better ordering and governing said city, or for the convenience, safety and advantage of commerce, and to define and prescribe their powers and duties, which officers so appointed shall continue in office until the first Monday in May after their election or appointment, or until others shall be appointed to succeed them, and be sworn into office."

Council may—
allow railroads
to be con-
structed.

Proviso.

Powers of po-
licemen.

Of tax war-
rants.

Duties of col-
lector of ar-
rears of taxes.

11. *And be it enacted*, That it shall be lawful for the council by general ordinance to grant permission to any person or persons, or corporation, to lay railroad tracks, and run rail cars thereon in or over any street or highway within said city, under such licenses, conditions and restrictions as the said council may think proper, and to alter, change or revoke the same at pleasure; *provided*, that no such grant or permission shall be made or given until a majority of the property along the line of such street or highway shall have first given their consent in writing for such railway track to be laid.

12. *And be it enacted*, That it shall be lawful for the captain of police or any policeman of said city to serve all processes for violation of any ordinances of said city, and for the suppression of vice and immorality, in the same manner as constables in townships.

13. *And be it enacted*, That section forty-five of said act be amended, by striking out the words "who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, who shall have power to collect the same in like manner, in all things, as the constables in townships are directed by law."

14. *And be it enacted*, That it shall be the duty of the collector of the arrears of taxes, immediately after the delivery to him of the list of delinquents, to proceed to collect the arrears of taxes; and that for that purpose he shall possess all the powers conferred on constables in the several townships in like cases, and in case any such delinquent shall neglect or refuse to pay such arrears of taxes, and in case no sufficient goods and chattels of any such delinquent can be found, to levy and make the amount of such arrears, together with the fees, costs and charges, then it shall be the duty of the collector of arrears of taxes to arrest the body of such delinquent, and commit him to the keeper of the common gaol of the county of Hudson, there to remain until he shall pay such arrears of taxes and the costs, charges and expenses, or be delivered by due course of law; and no goods or chattels

of any kind, except wearing apparel, shall be exempt from sale for taxes in said city; and upon the expiration of the office of such collector of arrears of taxes, if any taxes which shall remain uncollected shall be returned by him to the said council, it shall be the duty of the said council to deliver such list to the new collector of arrears of taxes, who shall proceed thereon for the collection of the same, in like manner as above directed.

15. *And be it enacted*, That the collector of arrears shall receive five per cent. upon all moneys collected by him of taxes assessed upon real estate, and ten per cent. upon all moneys assessed on personal property; *provided*, that in case an assessment be made upon both real and personal property against any one individual or corporation, then the said collector of arrears shall receive five per cent. upon the whole sum collected by him from such individual or corporation; and in all cases thirty-eight cents for each distress actually made by him. Fees of collector. Proviso.

16. *And be it enacted*, That section forty-three, title five, of said act be amended by striking out the words "three assessors," and inserting in lieu thereof the words "two assessors." Amendment of former act.

17. *And be it enacted*, That the city council shall have power to dispose of by ordinance to the inhabitants of the city of Hoboken, so much of the Hoboken Cemetery grounds, for burial purposes, as they may deem necessary, under such conditions and restrictions as to them shall seem proper, and shall also provide for laying out, keeping, maintaining, improving, and adorning said cemetery. Relating to cemetery.

18. *And be it enacted*, That each and every member of the said council shall be held personally liable to the mayor and council of the city of Hoboken, for any indebtedness against the said city, voted for by such member, beyond the appropriations made by the people at their annual election. Liability for excess of appropriation.

19. *And be it enacted*, That the council shall have power to cause all the houses within the boundaries of said city, to be numbered in such manner as they may deem most advisable, Houses to be numbered, &c.

and to place on the corner of the various streets, a sign with the name of the street and the No. of the house of which it is attached; also, to vacate the names of all parts of streets known as places; they shall cause a book to be made showing the number of divisions in each block, and the street number of the lot, which numbers shall remain in the assessment number of said lots, or their divisions, until a re numbering shall be ordered by said council; they may also, by ordinance, direct the kind of number that shall be placed on each house, and prescribe a penalty for non-compliance therewith.

Amendment
of former act.

20. *And be it enacted*, That section forty-nine be amended, by adding thereto the words, "and the owner, mortgagee, occupant, or person interested therein, or any other person for or on behalf of the owner, mortgagee, or claimant, shall be required at the time he, she or they shall redeem the said property, to pay all the costs, charges and expenses of advertising as aforesaid.

Repealer.

21. *And be it enacted*, That all such parts of the act, to which this is a supplement, and any supplement thereto, as are inconsistent with any of the provisions of this act, are hereby repealed, and that said act shall hereafter be taken and read as if the amendments and alterations by this act provided for, had originally been made in said act.

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

Approved March 15, 1861.

CHAPTER CLXXX.

An additional supplement to the act entitled "An act to regulate Elections," 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 for the purpose of electing ^{Assembly districts formed.} members of the general assembly of this state, the several counties shall be formed into as many assembly districts as the said counties are entitled to elect members of the general assembly respectively, that is to say:

ATLANTIC COUNTY.

I. The county of Atlantic shall constitute one assembly ^{Atlantic.} district, to be composed of the several townships therein.

BERGEN COUNTY.

II. The county of Bergen shall constitute two districts, ^{Bergen.} the first to be composed of the townships of Lodi, Hackensack, New Barbadoes and Union; the second, to be composed of the townships of Harrington, Franklin, Saddle River, Washington and Hohokus.

BURLINGTON COUNTY.

III. The county of Burlington shall constitute four dis- ^{Burlington.} tricts, the first to be composed of the townships of Borden-town, Chesterfield, Mansfield and New Hanover; the second district to be composed of the townships of Springfield, Burlington, Willingboro, Beverly and Cinnaminson; the third

district to be composed of the townships of Chester, Evesham, Medford, Lumberton and Northampton; the fourth district to be composed of the townships of Pemberton, Southampton, Westhampton, Shamong, Washington and Egg Harbor.

CAMDEN COUNTY.

Camden.

IV. The county of Camden shall constitute three districts, the first district to be composed of the north ward, middle ward and south ward of the city of Camden; the second district to be composed of the townships of Centre, Delaware, Newton, Stockton and Union; the third district to be composed of the townships of Winslow, Waterford, Washington, Gloucester and Monroe.

CAPE MAY COUNTY.

Cape May.

V. The county of Cape May shall constitute one assembly district, to be composed of the several townships therein.

CUMBERLAND COUNTY.

Cumberland.

VI. The county of Cumberland shall constitute two districts, the first to be composed of the townships of Stoe Creek, Greenwich, Hopewell, Fairfield and Downe; the second district to be composed of the townships of Deerfield, Cohansey, Bridgeton, Millville and Maurice river.

ESSEX COUNTY.

Essex.

VII. The county of Essex shall constitute nine districts, the first to be composed of the townships of Bloomfield, Caldwell, Livingston and Milburn; the second district to be composed of the first, second and third wards of the city of Orange; the third district to be composed of Belleville township and the eighth ward of the city of Newark; the fourth district to be composed of the first and fourth wards of the

city of Newark ; the fifth district to be composed of the second and sixth wards of the city of Newark ; the sixth district to be composed of the thirteenth ward of the city of Newark, and the townships of Clinton and South Orange ; the seventh district to be composed of the third and ninth wards of the city of Newark ; the eighth district to be composed of the fifth, tenth and twelfth wards of the city of Newark ; the ninth district to be composed of the seventh and eleventh wards of the city of Newark.

GLOUCESTER COUNTY.

VIII. The county of Gloucester shall constitute two districts, the first to be composed of the townships of Deptford, Greenwich and Mantua ; the second to be composed of the townships of Harrison, Woolwich, Franklin and Clayton. Gloucester.

HUDSON COUNTY.

IX. The county of Hudson shall constitute six districts, the first to be composed of the first and second wards of Jersey City ; the second district to be composed of the third and sixth wards of Jersey City ; the third district to be composed of the fourth and fifth wards of Jersey City ; the fourth district to be composed of the city of Hoboken and Weehawken township ; the fifth district to be composed of the townships of North Bergen and Harrison ; the sixth district to be composed of the townships of South Bergen, Bayonne, and Hudson City. Hudson.

HUNTERDON COUNTY.

X. The county of Hunterdon shall constitute three districts, the first district shall be composed of the townships of East Amwell, West Amwell, Lambertville, Delaware and Kingwood ; the second district to be composed of the townships of Raritan, Readington, Franklin and Tewksbury ; the Hunterdon.

third district to be composed of the townships of Clinton, Lebanon, Bethlehem, Union and Alexandria.

MERCER COUNTY.

Mercer.

XI. The county of Mercer shall constitute three districts, the first district to be composed of the townships of Hopewell, Princeton, Lawrence and Ewing; the second district to be composed of the first, second, third, fourth and fifth wards of the city of Trenton; the third district to be composed of the townships of West Windsor, East Windsor, Washington, Hamilton, and the sixth ward of the city of Trenton.

MIDDLESEX COUNTY.

Middlesex.

XII. The county of Middlesex shall constitute three districts; the first district to be composed of the city of New Brunswick; the second district to be composed of the townships of Perth Amboy, Piscataway and Woodbridge; the third district to be composed of the townships of East Brunswick, Monroe, North Brunswick, South Brunswick and South Amboy.

MONMOUTH COUNTY.

Monmouth.

XIII. The county of Monmouth shall constitute three districts; the first district to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Atlantic, Shrewsbury, Ocean, Wall and Marlboro; the third district to be composed of the townships of Holmdel, Raritan, Middletown and Matawan.

MORRIS COUNTY.

Morris.

XIV. The county of Morris shall constitute three districts; the first to be composed of the townships of Chester, Chatham, Morris and Mendham; the second district

stitute one district to be composed of the townships therein. Ocean.

PASSAIC COUNTY.

XVI. The county of Passaic shall constitute three districts; Passaic.
the first district to be composed of the township of Aquack-
anonk and the south and fifth wards of the city of Paterson;
the second district to be composed of the east and west wards
of the city of Paterson; the third district to be composed of
the north ward of the city of Paterson and the townships of
Manchester, Wayne, Pompton and West Milford.

SALEM COUNTY.

XVII. The county of Salem shall constitute two districts; Salem.
the first to be composed of the townships of Upper Penns
Neck, Lower Penns Neck, Pilesgrove, Pittsgrove, and Upper
Pittsgrove; the second district to be composed of the town-
ships of Mannington, Salem, Elsinborough, Upper Alloways
Creek and Lower Alloways Creek.

SOMERSET COUNTY.

XVIII. The county of Somerset shall constitute two dis- Somerset.
tricts; the first district to be composed of the townships of
Bedminster, Bernard, Bridgewater and Warren; the second
district to be composed of the townships of Franklin, Hillsboro',
Montgomery and Branchburgh.

SUSSEX COUNTY.

XIX. The county of Sussex shall constitute two districts; Sussex.
the first to be composed of the townships of Sandiston, Mon-
tague, Wantage, Frankford, Vernon and Hardiston; the sec-
ond district to be composed of the townships of Walpack,
Stillwater, Green, Byram, Lafayette, Newton and Sparta.

UNION COUNTY.

Union. XX. The county of Union shall constitute two districts; the first to be composed of the city of Elizabeth and the township of Linden; the second district to be composed of the city of Rahway, the townships of Union, Westfield, Springfield, Plainfield and New Providence.

WARREN COUNTY.

Warren. XXI. The county of Warren shall constitute three districts; the first to be composed of the townships of Greenwich, Franklin, Phillipsburg and Harmony; the second to be composed of the townships of Washington, Mansfield, Independence, Frelinghuysen and Hackettstown; the third to be composed of the townships of Oxford, Belvidere, Hope, Knowlton, Blairstown, Hardwick and Pahaquarry.

Approved March 15, 1861.

CHAPTER CLXXXI.

AN ACT act to incorporate the Delaware Mining and Refining Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Shaw, Charles Durfee,

John Green, Robert F. Shafer and John C. Bennett, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "the Delaware Mining and Refining Company," to be located in the counties of Warren and Hudson, to carry on the business of mining, manufacturing and refining iron, copper and other ores and materials; and for that purpose the said company shall or may raise by subscription a capital stock of one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, to be divided into shares of twenty-five dollars each.

2. *And be it enacted*, That the said corporation may purchase, possess and enjoy any such mines, real estate, improvements, machinery, goods and effects whatsoever, within the counties of Warren and Hudson, as shall be deemed necessary and advantageous to the said corporation to carry on its business; and it shall be lawful for the said corporation to sell, mortgage, lease, and otherwise dispose thereof at pleasure. Location and property of the company.

3. *And be it enacted*, That it shall be lawful for the aforesaid corporators or their successors to receive subscriptions to the capital stock by opening books or otherwise, and as soon as twenty-five thousand dollars shall have been subscribed, and fifty per centum of that amount paid in cash, and an affidavit being made by one or more of the corporators before any alderman or justice of the peace or judge of the court of common pleas, and a copy thereof filed in the office of the secretary of state, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business as contemplated under the provisions of this act. Organization of the company.

4. *And be it enacted*, That it shall be lawful for the directors of the said corporation to call for, collect and demand of the stockholders respectively all such installments due on such stock subscribed for as may have been agreed upon previous to subscribing, under penalty of forfeiture of the shares so subscribed and all previous payments made thereon; *provided however*, that said stockholders being notified, per- Capital stock may be called in. Provide.

sonally or by advertising, at least thirty days previous to such installments becoming due; said stock to be transferable on the books of said company, and only in the presence of the proper officers.

Duties and powers of directors.

5. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by not less than five directors, a majority of whom shall be residents of this state, one of whom shall be appointed president; the number of directors may be increased so as not to exceed nine, if a majority of those in interest desire it; said directors shall have power to appoint such other officers, agents and employees as the by-laws may from time to time designate; said directors shall always be stockholders in said company, and shall hold office until the next annual meeting or election, and until others shall have been duly elected in their places; annual meetings shall be held on the first Monday in February in each year, at such places and hour as the by-laws may direct; a majority of the existing number of directors shall constitute a quorum, and when assembled at such place as the by-laws may designate, shall constitute a board competent to transact business, and all questions before said board shall be decided by a majority of votes present; in case any vacancy may occur by death, resignation, or otherwise, the remaining directors shall have the power to fill such vacancy by the appointment of any stockholder.

Annual statement to be made.

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 said corporation, setting forth the amount of capital stock paid in, the amount of property held, and the amount of money due unto or by said corporation, as nearly as the same may be ascertained, and when desired by one or more of the stockholders, shall be accompanied by the oath or affirmation of an officer or one of the board of directors, stating the same to be correct to the best of their knowledge and belief.

Dividends.

7. *And be it enacted*, That dividends of so much of the profits as the directors may deem advisable may be declared

at the annual meeting, or on the first days of January and July of each year, and paid to the stockholders or their attorneys at such time as may be agreed upon by the directors; *provided however*, that no part of the capital stock as paid in shall be declared in dividends until all debts due to the corporation shall have been first paid. Proviso.

8. *And be it enacted*, That in case it shall so happen that an election for directors shall not be made on such day as designated by the act of incorporation or the by-laws, said corporation shall not be deemed dissolved thereby, but the stockholders may proceed and order and hold an election on any other day, by giving twenty days' previous notice of such time and place. Failure to elect not to dissolve corporation.

9. *And be it enacted*, That any wood, timber, land, property or other materials used by said corporation which may be received in payment of subscription for stock, shall be taken at a valuation approved by a majority of the board of directors, or a majority of the stockholders designated for that purpose. Valuation of certain property to be made.

10. *And be it enacted*, That the corporation hereby authorized or created, shall possess such general powers usually possessed by corporations for the general government and management of their affairs, and be subject to the restrictions and liabilities set forth in "An act concerning corporations," approved upon the fourteenth day of February, eighteen hundred and forty-six, so far as the same is applicable. General powers.

11. *And be it enacted*, That this corporation shall be limited to thirty years, and that the legislature may alter, amend or repeal this act whenever the public good may require it. Limitation.

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

Approved March 15, 1861.

JOINT RESOLUTIONS.

NUMBER I.

In relation to the Union of the States.

WHEREAS, the people of New Jersey, conforming to the Preamble. opinion of "the Father of his Country," consider the unity of the government, which constitutes the people of the United States one people, a main pillar in the edifice of their independence, the support of their tranquility at home and peace abroad, of their prosperity, and of that liberty which they so highly prize; and properly estimating the immense value of their National Union to their individual happiness, they cherish a cordial, habitual and immovable attachment to it as the palladium of their political safety and prosperity, therefore

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That it is the duty of every good citizen, in all suitable and proper ways, to stand by and sustain the Union of the States as transmitted to us by our fathers. Duties of citizens.

2. *And be it resolved*, That the government of the United States is a national government, and the Union it was de- Union not compact or league.

signed to perfect is not a mere compact or league; and that the constitution was adopted in a spirit of mutual compromise and concession by the people of the United States, and can only be preserved by the constant recognition of that spirit.

Forbearance
and compromise
recommended.

3. *And be it resolved*, That however undoubted may be the right of the general government to maintain its authority and enforce its laws over all parts of the country, it is equally certain that forbearance and compromise are indispensable at this crisis to the perpetuity of the Union, and that it is the dictate of reason, wisdom and patriotism peaceably to adjust whatever differences exist between the different sections of our country.

Crittenden re-
solutions.

4. *And be it resolved*, That the resolutions and propositions submitted to the Senate of the United States by the Honorable John J. Crittenden, of Kentucky, for the compromise of the questions in dispute between the people of the northern and of the southern states, or any other constitutional method that will permanently settle the question of slavery, will be acceptable to the people of the state of New Jersey, and the senators and representatives in Congress, from New Jersey, be requested and earnestly urged to support those resolutions and propositions.

Convention to
alter constitu-
tion.

5. *And be it resolved*, That as the union of the states is in imminent danger unless the remedies before suggested be speedily adopted, then, as a last resort, the state of New Jersey hereby makes application, according to the terms of the constitution, of the Congress of the United States to call a convention (of the states) to propose amendments to said constitution.

States urged
to repeal ob-
noxious laws.

6. *And be it resolved*, That such of the states as have in force laws which interfere with the constitutional rights of citizens of the other states, either in regard to their persons or property, or which militate against the just construction of that part of the constitution that provides that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states," are earnestly

urged and requested, for the sake of peace and the Union, to repeal all such laws.

7. *And be it resolved*, That his Excellency, Charles S. Olden, Peter D. Vroom, Robert F. Stockton, Benjamin Williamson, Joseph F. Randolph, Frederick T. Frelinghuysen, Rodman M. Price, William C. Alexander and Thomas J. Stryker be appointed commissioners to confer with Congress and our sister states, and urge upon them the importance of carrying into effect the principles and objects of the foregoing resolutions. Commissioners appointed.

8. *And be it resolved*, That the commissioners above named, in addition to their other powers, be authorized to meet with those now or hereafter to be appointed by our sister state of Virginia, and such commissioners of other states as have been or may be hereafter appointed, to meet at Washington on the fourth day of February next. Commissioners when and where to meet

9. *And be it resolved*, That copies of the foregoing resolutions be sent to the President of the Senate and Speaker of the House of Representatives of the United States, and to the Senators and Representatives in Congress from New Jersey, and to the Governors of the several states. Copies of resolutions to be sent.

Approved January 29, 1861.

NUMBER II.

To authorize the State Treasurer to procure new carpeting for certain rooms in the State House.

Treasurer to
re-carpet cer-
tain rooms in
state house.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be directed and authorized to procure and put on the floors of the senate and assembly chambers, and of the rooms occupied by the supreme and chancery courts, new carpets of a substantial character, at some period prior to the next meeting of the legislature, and that the bills for the same, when approved by the governor, be paid out of any moneys in the treasury not otherwise appropriated.

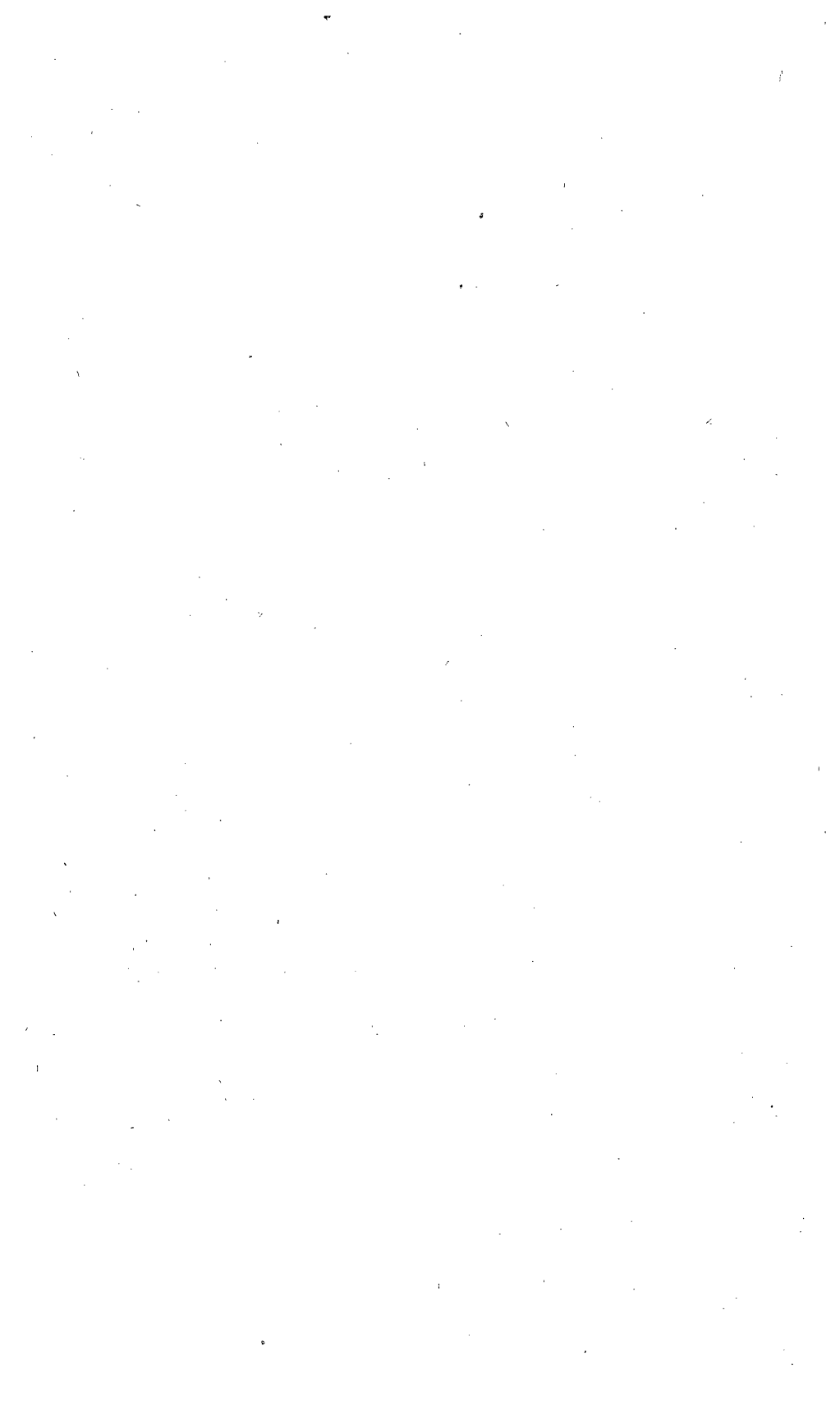
Approved March 15, 1861.

ACTS

OF THE

Extra Session of the Legislature,

Convened at Trenton, April 30, 1861.



ACTS OF EXTRA SESSION.

CHAPTER I.

AN ACT to authorize the Mayor and Common Council of the city of Newark to borrow a sum or sums of money, not exceeding in the whole one hundred thousand dollars.

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 authorized to issue bonds.} mayor and common council of the city of Newark to issue bonds under their corporate seal, and the signature of the mayor of said city, for an amount not exceeding one hundred thousand dollars, to be designated and styled "Volunteer Aid Bonds," bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding fifteen years from the date thereof, pledging the credit and the whole property of said city for the payment of the same; which bonds it shall be lawful for the said the mayor and common council of the city of Newark to sell at public or private sale, as the proceeds of the same may be needed.

2. *And be it enacted*, That it shall be the duty of the said ^{How to apply proceeds.} mayor and common council of the city of Newark, to apply the net proceeds of said bonds to the support of the families of persons residing in the city of Newark who may vol-

unteer or may have volunteered in the military service of the United States, or who may be called into military service by the government of this state or of the United States for the maintenance or defence of the state or federal government, and for no other purpose whatever.

Tax to be levied.

3. *And be it enacted*, That the common council shall have power to provide by tax for the payment of said bonds and the interest thereon, and that none of the limitations, restrictions or conditions contained in the thirty-fifth section 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 or in any wise to affect this act, but this act shall be and remain as effectual to all intents and purposes as if the said section had not been enacted.

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

Approved May 2, 1861.

CHAPTER II.

A further supplement to the act entitled "An act to incorporate the city of Trenton," approved March seventh, eighteen hundred and thirty-seven.

Common council to borrow money

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 borrow on the credit of

the said city the sum of ten thousand dollars, for the purpose of providing for the support of the families of those citizens or residents of said city, and for no other purpose whatever, who have or who may hereafter volunteer as militia in the service of the federal government or of this state.

2. *And be it enacted*, That to secure the payment of said ^{Payment of} loans, the common council are hereby authorized to issue the bonds of the city for the amount of said loans, bearing interest at the rate of six per cent. per annum, payable semi-annually, and which shall be exempt from any tax hereafter levied or assessed by order of said common council, and the principal of which said bonds shall be paid in ten years from the date thereof; and to provide for such payment, the common council are hereby authorized and directed to levy and collect annually by taxation, the sum of sixteen hundred dollars in addition to the sum which may now be lawfully levied and collected within said city, out of which sum the aforesaid interest shall first be paid, and the surplus shall be paid over to "the commissioner of the sinking fund," to be applied as a sinking fund for the purchase of said bonds at par or for payment thereof at maturity.

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

Approved May 3, 1861.

CHAPTER III.

A further supplement to the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

County of
Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county of Morris shall constitute three assembly districts: the first district to be composed of the townships of Chatham, Morris, Mendham and Chester; the second district to be composed of the townships of Hanover, Pequannock and Rockaway; the third district to be composed of the townships of Randolph, Roxbury, Jefferson, and Washington.

County of
Ocean.

2. *And be it enacted*, That the county of Ocean shall constitute one assembly district, to be composed of the townships therein.

Town of Phil-
lipsburg.

3. *And be it enacted*, That the town of Phillipsburgh be added to the first assembly district in the county of Warren.

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

Approved May 7, 1861.

CHAPTER IV.

Supplement to an act entitled "An act to incorporate Jersey City,"
approved March eighteenth, eighteen hundred and fifty-one.

WHEREAS, the mayor and common council of Jersey City have, Preamble.
by resolution, approved April twenty-ninth, eighteen hundred and sixty-one, appropriated the sum of twenty thousand dollars toward the equipment of volunteers, and maintenance of the families of said volunteers while actually engaged in the service of their country, and have provided by said resolution for the payment of said amount of money in the same manner that loans for city purposes have heretofore been effected; and whereas, the said the mayor and common council are apprehensive that a necessity may arise for further appropriations for the purposes aforesaid; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* Common council authorized to borrow money
the State of New Jersey, That the appropriation of twenty thousand dollars for the purposes set forth in the preamble to this act by the mayor and common council of Jersey City, together with all their proceedings thereon, be and they are hereby confirmed; and the said the mayor and common council be and they are hereby empowered to borrow in the manner hereinafter directed, a further sum, not to exceed the amount of thirty thousand dollars, to be expended at such times and in such manner as a committee consisting of one alderman from each of the wards of the city and the mayor of the city, may deem expedient for the purposes set forth in the preamble to this act.

2. *And be it enacted,* That for the purpose of enabling the Bonds to be issued.
said the mayor and common council of Jersey City to secure the payment of the said sum of thirty thousand dollars, it shall be lawful for the said the mayor and common council to

issue bonds for the payment thereof, at such rates of interest, not exceeding seven per centum per annum, as they may deem expedient.

Made part of
city debt.

3. *And be it enacted*, That the said amounts of twenty thousand dollars and thirty thousand dollars, making in all the sum of fifty thousand dollars, in this act provided for, shall be deemed and taken as a debt of the said city over and above any loans now authorized by an act entitled "An act to incorporate Jersey City, approved March eighteenth, eighteen hundred and fifty-one," and the supplements thereto, anything therein contained to the contrary notwithstanding.

Bonds exempt
from taxation.

4. *And be it enacted*, That the municipal authorities 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 the purposes embraced in the preamble to this act, unless the quota which the municipal authorities of Jersey 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 municipal authorities aforesaid shall be liable to pay only such excess, and that the bonds so issued shall be exempt from state or county taxes.

Repealed

5. *And be it enacted*, That all acts and parts of acts in anywise conflicting 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 May 8, 1861.

CHAPTER V.

A supplement to the act entitled "An act to incorporate the city of Rahway," approved March twelfth, eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Rahway shall have power to borrow money from time to time for the purpose of providing for the aid or support of such of the families of the men engaged in the service of the country, in the militia of this state, as may require the same, and to secure the payment thereof by bond or other instrument; *provided*, the whole amount borrowed for such purposes shall not exceed the sum of ten thousand dollars.

2. *And be it enacted*, That it shall be the duty of the common council of said city to raise by tax, yearly, such amount as shall be necessary to pay the interest on all sums so borrowed, and to provide by tax for the redemption of the bonds or other evidences of indebtedness issued, at the period when the same, or any portion thereof, shall become due and payable.

3. *And be it enacted*, That all moneys appropriated by the common council of said city, for the purpose herein authorized, shall be expended under the direction of the mayor and finance committee of the common council, and the president, vice presidents and treasurer of the volunteer relief committee appointed by the citizens of Rahway, and known as the officers of the society of the "Sons of Liberty," and the treasurer of said city shall pay no bills for the purpose authorized by this act except upon the certificate of the mayor, of the approval of said bills at a meeting composed of a majority of the persons herein authorized to supervise such expenditures.

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

Approved May 8, 1861.

CHAPTER VI.

A supplement to the act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

City council,
authorized to
borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of the said city of Camden to borrow money from time to time in the corporate name of the said city, for all purposes for which they are by the act to which this is a supplement authorized to raise money by tax, and for the purpose of enabling the said city council to make appropriations towards supporting and maintaining the families of those who have volunteered, or who may hereafter volunteer in the service of the state of New Jersey or in the service of the United States, in defence of their country, and to secure the payment thereof by bond, note or other instrument of writing, under the common seal of the said city and of the signature of the mayor of said city, and to provide by tax for the payment thereof; *provided*, that no loan shall be made without the concurrence of at least a majority of all the members of the said city council; and there shall not be a greater sum than twenty thousand dollars raised by loan in any one year,

Proviso.

and that the said city shall not owe over seventy-five thousand dollars at any one time.

2. *And be it enacted*, That all parts of the act entitled ^{Repealed.}
"An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty, as may conflict with this act, be and the same are hereby repealed.

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

Approved May 9, 1861.

CHAPTER VII.

AN ACT making an appropriation to the State Prison.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Appropriation to state prison}
the State of New Jersey, That the sum of ten thousand dollars be paid by the treasurer out of the treasury to the keeper of the state prison, to be applied to the payment of the debts now due and unpaid against the aforesaid institution, and for the support thereof; said sum of money to be expended under the direction of the inspectors and keeper of the state prison.

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

Approved May 9, 1861.

CHAPTER VIII.

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.

Governor and
treasurer may
borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governor and treasurer of this state, whenever it shall in the opinion of the governor be expedient so to do, to borrow such sums of money on the credit of this state as shall appear to the governor to be necessary for the purpose of paying the expenses or debt already incurred or which may hereafter be incurred incident to the suppression of the rebellion now existing against the government of the United States or for the purpose of repelling any invasion of this state; *provided*, that the sums of money so to be borrowed shall not exceed the sum of two million of dollars.

Proviso.

Bonds of the
state to be
issued.

2. *And be it enacted*, That to secure the payment of the loan authorized by this act the governor and treasurer are hereby authorized to issue and negotiate the bonds of this state for an amount not exceeding in the whole the sum of two million of dollars; which bonds shall bear interest at the rate of six per centum per annum, payable on the first day of January, eighteen hundred and sixty-two, and on the first days of January and July of each year thereafter, and shall be of the denomination of one hundred, three hundred, five hundred and one thousand dollars, as the governor and treasurer shall determine; and of the amount of bonds issued not more than one hundred thousand dollars of principal shall be made payable in any one year, and such payments shall be made on the first day of January in such year, but no part of the said principal shall be payable before the first of January, eighteen hundred and sixty-five, and no bonds shall be

made payable at a later date than the first day of January, eighteen hundred and eighty-five; and the principal and interest of said bonds shall be made payable at the cities of Trenton and Jersey City, and they shall be executed by attaching the seal of the state, attested by the secretary of state, signed by the governor and countersigned by the treasurer, and they shall have attached thereto interest warrants for each half-year's interest until due, which warrants shall be numbered and signed by the treasurer; and the said bonds shall each be numbered, and a registry of the number, denomination, date of issuing and time of payment shall be made by the treasurer, in a book for the purpose; and the interest warrants, as paid, shall be cancelled by the treasurer and pasted in order of date in a book kept for that purpose; and the bonds, as paid, shall be cancelled and carefully filed away by the treasurer; and it shall be lawful for any bank of this state to take part of said loan; when any person purchasing one or more bonds of the denomination of one thousand dollars, desires to receive a registered bond or bonds of that denomination, the same shall be issued payable to the purchaser or to his order without interest warrants attached, and shall be duly registered in a book kept for that purpose, and be transferable only in person or by power of attorney on the books of the treasurer; and all bonds authorized by this act shall be exempt from taxation.

3. *And be it enacted*, That the money from time to time borrowed under the provisions of this act, shall be paid into the treasury of the state, and the same is hereby appropriated to the purposes set forth in the first section hereof, and shall be drawn therefrom on the warrants of the governor, countersigned by the secretary of state. Money how to be appropriated.

4. *And be it enacted*, That the debt hereby authorized shall be paid by a tax to be annually levied and collected in the same manner the county, township and city taxes in this state are now or hereafter may be levied and collected; and the quota of said tax to be raised in each county shall, at the next annual session of the legislature, and annually thereafter, Tax to be levied.

be apportioned by the legislature among the several counties, and to that end the collector of each county shall, on or before the first day of November next, and on or before the first day of November in each year thereafter, forward to the treasurer of the state the abstract of the value of taxable real and personal property in each township or ward, provided for by the thirteenth section of the act entitled "A supplement to the act entitled 'an act concerning taxes,' " which supplement was approved March the third, eighteen hundred and fifty-four.

Payment of
interest.

5. *And be it enacted*, That there shall be assessed, levied and collected on the inhabitants of this state, and on their taxable real and personal property, a tax of one hundred thousand dollars, which is hereby appropriated and shall be applied to the payment of such interest as shall have accrued on the said loan on the first day of January, eighteen hundred and sixty-two; and any surplus thereof remaining after the payment of the said interest, shall be applied to constituting a sinking fund towards the payment of the principal of said loan; and the said tax shall be apportioned among the several counties by the governor, secretary of state and treasurer, in proportion to the amount of the taxable real and personal estate in each county as shown by the last abstract thereof made out by the boards of assessors of the several counties, as directed by law; and it shall be the duty of the secretary of state to transmit to the county collector of each county a statement of the amount of said tax apportioned to said county, and the said county collector shall lay said statement before the assessors of the townships of their several counties at their next meeting to apportion the township taxes, and said assessors shall thereupon proceed to assess said tax according to law.

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

Approved May 10, 1861.

CHAPTER IX.

Supplement to the act entitled "An act for the more effectual organization of the Militia," approved March twenty-second, eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the counties of Hunterdon, Warren, Sussex, Somerset and Morris be and they are hereby constituted the fourth division of the militia of this state. Fourth division of militia.

2. *And be it enacted*, That the counties of Mercer, Middlesex, Union, Monmouth and Ocean, be and they are hereby constituted the third division of the militia of this state. Third division of militia.

3. *And be it enacted*, That all acts or parts of acts conflicting with this act are hereby repealed. Repealer.

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

Approved May 10, 1861.

CHAPTER X.

A supplement to an act entitled "An act to incorporate the Borough of Bordentown, &c., approved February thirteenth, eighteen hundred and forty-nine.

Mayor, &c., to
borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor, recorder and common council of the borough of Bordentown, shall have power to raise by tax, or to borrow from time to time, such sums of money as they may deem necessary, not exceeding the sum of five thousand dollars, for the purpose of providing for the aid or support of such of the families of the men now engaged, or who may hereafter engage in the service of the national government or the government of this state, and to secure the payment thereof by such process as the said mayor, recorder and common council may elect.

Tax to be levied.

2. *And be it enacted*, That if the common council shall elect to borrow any sum not exceeding the aforesaid amount, then it shall be their duty to raise by tax, yearly, such amount as shall be necessary to pay the interest on all sums so borrowed, and in the event of issuing bonds, then to provide by tax for the redemption of such bonds, or any other evidences of debt, when such bonds or indebtedness shall become due and payable.

Poll tax.

3. *And be it enacted*, That the common council, in making any assessment by tax, for the purposes herein described, shall have the power to levy a poll tax upon all non-property holders, except volunteers, not exceeding the sum of one dollar.

Money, who to
expend it.

4. *And be it enacted*, That all moneys appropriated by the common council of said borough, for the purpose herein authorized, shall be expended under the direction of the mayor and finance committee of the common council, and the treasurer of said borough shall pay no bills for the purpose

authorized by this act except upon the certificate of the mayor approved by a majority of the said finance committee.

5. *And be it enacted*, That the said common council shall have power to provide by ordinance for all matters not enumerated in this act. Common council may make ordinance.

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

Approved May 10, 1861.

CHAPTER XI.

A supplement to an act entitled "An act respecting the Orange and the Passaic Brigades, and to better regulate and discipline the same," approved March eighteenth, eighteen hundred and fifty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the assessments directed by the act to which this is a supplement to be levied by the assessors of the different wards and townships in the county of Passaic as shall not have been assessed in the years Anno Domini eighteen hundred and fifty-nine and Anno Domini eighteen hundred and sixty, by the assessors of said wards and townships, shall be added to the assessment directed by said act for the present year, and shall be assessed by said assessors, and collected and paid the present year, according to the provisions of the said act. Assessments to be levied.

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

Approved May 10, 1861.

CHAPTER XII.

AN ACT for the defence of the State.

Governor may
make requisition

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the governor of this state to make requisition on the treasurer for the expenses incident to the enrollment, forming into companies, and electing the officers of the reserved militia of the state; and it shall also be lawful for him to make like requisition for the rations and pay of five chaplains to attend the contingent of this state, under the requisition of the general government recently made, and one of said chaplains shall be appointed by the colonel of each of the four regiments in the New Jersey quota, and the remaining one shall be appointed by the governor, and it shall be lawful for the governor to employ aid in his department as he shall deem requisite.

Governor may
form and
equip four
regiments.

2. *And be it enacted*, That the governor is hereby authorized, should he think it necessary, to form, equip and arm four, or any less number of regiments, for the protection of the state, and to summon them to active service within the state, and to make requisition on the treasurer for their ra-

tions and pay while actually engaged in the service of the state, and at any time to detach the same for the service of the United States, and to take such measures as may become necessary for the protection of the exposed sea board and river coasts of the state, and to make requisition on the treasurer for the expense thereof; and the governor is hereby authorized to cause the arms now belonging to the state to be so altered as to be effective, and to procure ten thousand stand of arms of the most approved pattern, together with such artillery and military stores as may be necessary to the proper defence of the state, and for the expense thereof to make requisition on the treasurer; *provided*, that all supplies Provide. furnished and articles purchased under the authority of this act shall be procured by contract of the lowest responsible bidders, after public notice by advertisement in one or more newspapers published in the cities of Trenton, Newark and Camden, and when, from combinations or other causes, the prices bid for any articles are deemed exorbitant, such bids may be rejected; *and provided further*, that whenever the Provide. governor, the attorney general and quarter master general shall determine that the public exigencies require that articles should be purchased without public advertisement, such articles may be purchased in open market or by private contract; and it shall be the duty of the governor to cause a report to be made to the legislature, at the first week of the annual session, of the whole amount paid in detail for any description of expenditure incident to the enrolling or mustering of the militia of this state into the service of this state, or the United States, designating the names of all contractors, or persons of whom articles have been purchased, and whether purchased by contract or open purchase of such persons; and the governor is requested to report an estimate of what portion of said expenditures are properly chargeable to the United States.

3. *And be it enacted*, That no organized bodies of armed men, excepting in conformity with the existing militia laws, shall be formed or assemble in this state, until the governor

No organized bodies to assemble without warrant of the governor.

of the state shall, by warrant, have authorized such organization; and the governor is hereby authorized, when any such organization exists under his warrant, to disband the same for what shall appear to him good cause.

Governor may
effect loans
from banks of
the state.

4. *And be it enacted*, That the governor is hereby authorized to effect loans from the banks of this state to meet the expenses already incurred attendant on the requisition made by the general government, and to pay certain expenses, approved by the governor, of persons volunteering their services, and who have been and may be held in readiness for service, and which may be incident thereto, and to pay the said loans out of the bonded loan to be effected by this state; and accurate and specific accounts shall be kept by the treasurer of all expenditures authorized by this act, and by the act creating the bonded loan, to the end that the state may render an account of, and be reimbursed, such expenditures as should be borne by the general government.

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

Approved May 10, 1861.

CHAPTER XIII.

AN ACT for the relief of such portion of the Militia of this state as may be called into service.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of six dollars per month be allowed and paid to the families of such married persons of the militia of this state, and to the widowed mothers of such persons without families, dependent upon them for support, as have been or shall be mustered into the service of this State or the United States. Six dollars per month to families of volunteers.

2. *And be it enacted*, That it shall be the duty of the board of chosen freeholders of each of the counties of this state, to pay the said money monthly to such widowed mothers, and to the families of such of the non-commissioned officers, musicians and privates as shall be mustered into the service of the state or federal government, and it shall be lawful for the board of chosen freeholders of any county in the state to make temporary loans to carry into effect the provisions of this act. To be paid monthly.

3. *And be it enacted*, That the board of chosen freeholders of each of the counties of this state shall render an account to the treasurer of this state quarter-yearly, of the amount paid to the families and widowed mothers of such non-commissioned officers, musicians and privates, certified as being correct by the director of the board, and on the receipt of such account and certificate, such bills shall be paid by the treasurer of this state out of any moneys in the treasury raised for purposes of war, not otherwise appropriated, on the warrant of the governor, countersigned by the secretary of state, to the county collector; and all payments made in pursuance of this act shall be made by the board of chosen freeholders, or their authorized agents; *provided*, that in all in- Chosen freeholders to render account. Proviso.

corporated cities and boroughs in this state, the said payments shall be made under the direction of the corporate authorities thereof, and the certificate of payment made in such cities or boroughs shall be signed by the mayor or chief officer of any such city or borough, and on the receipt of any certificate of such payment, from the mayor or chief officer of any such city or borough, the treasurer of this state shall pay to the treasurer of such city or borough the amount of such bills out of any moneys in the treasury of this state, raised for purposes of war, not otherwise appropriated, on the warrant of the governor, countersigned by the secretary of state.

How to apply
money.

4. *And be it enacted*, That all moneys received from the treasurer of this state by the collector of any county, or the treasurer of any incorporated city or borough, in payment of any account rendered of moneys supplied to the families or widowed mothers of any such militia, shall be inviolably applied by the said county collector or city treasurer to the purposes contemplated by this act, and in the repayment of any loans made for such purposes, or the interest on such loans, and for no other purposes whatsoever.

Pay of soldiers

5. *And be it enacted*, That the pay of the non-commissioned officers, musicians and privates mustered into the service of this state or the United States from the militia of this state, shall be increased at the rate of four dollars per month; and the state of New Jersey guarantees to each non-commissioned officer, musician and private, on his honorable discharge from the service of this state or the United States, the aforesaid sum of four dollars per month in addition to the pay now allowed by law; *provided*, that if the United States shall increase the pay of such portion of the militia of this state mustered into service of the United States, the state of New Jersey will allow and pay such amount to each non-commissioned officer, musician and private, as shall make the said increased pay equal to four dollars per month; *and provided further*, that said increased amount per month shall not be paid by the state of New Jersey to such portion of said mili-

Proviso

Proviso.

tia as have been provided for in payment to their families by the provisions of this act.

6. *And be it enacted*, That it shall be the duty of the captain of every company of militia of this state mustered into actual service, to furnish a list of the names of every member of such company, designating whether married or single, and if single, whether having a mother dependent on them for support, and file the same in the office of the clerk of the county in which such company was organized.

7. *And be it enacted*, That those persons who have been enrolled into companies under an order of the adjutant general, and have reported themselves ready for service, and have been accepted by the governor, shall be paid at the rate of twelve dollars per month, the said payment to commence from the date of their acceptance, and to continue until they are mustered into service or discharged by the governor.

8. *And be it enacted*, That it shall be the duty of the adjutant general to inform the several captains of the different companies forming the four regiments now mustered into the service of the United States, from this state, of the passage of this act, and obtain from them the information required by the sixth section of this act.

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

Approved May 11, 1861.



JOINT RESOLUTION.

NUMBER II.

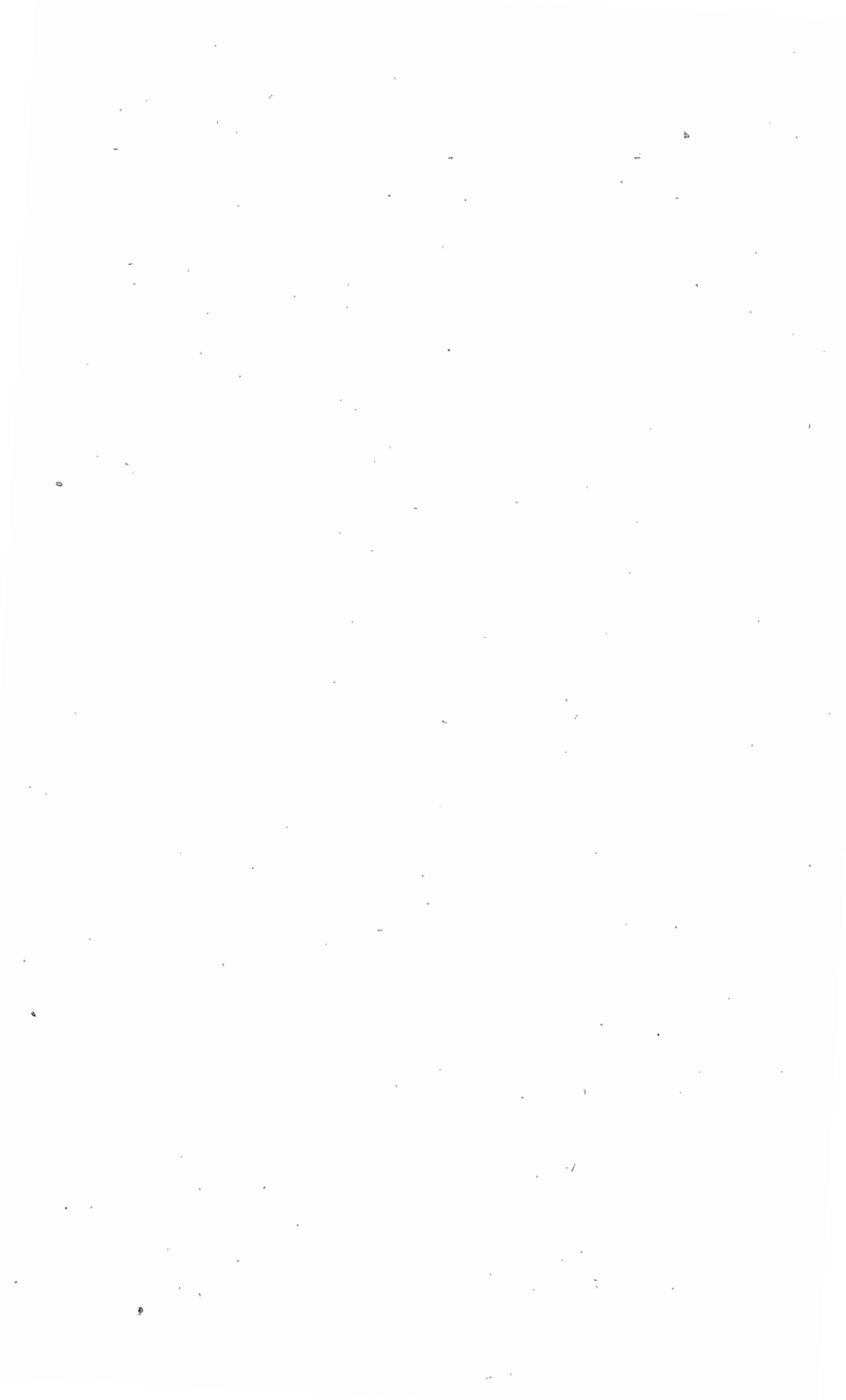
WHEREAS, doubts have arisen as to the construction of the Preamble.
resolution passed at the last session of the legislature relative to the printing of the census returns,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state is hereby directed to prepare and publish tabular statements of the last census returns on file in his office, similar to those published with the laws of the year one thousand eight hundred and fifty-two.

Tabular statements of census to be published.

Approved May 8, 1861.

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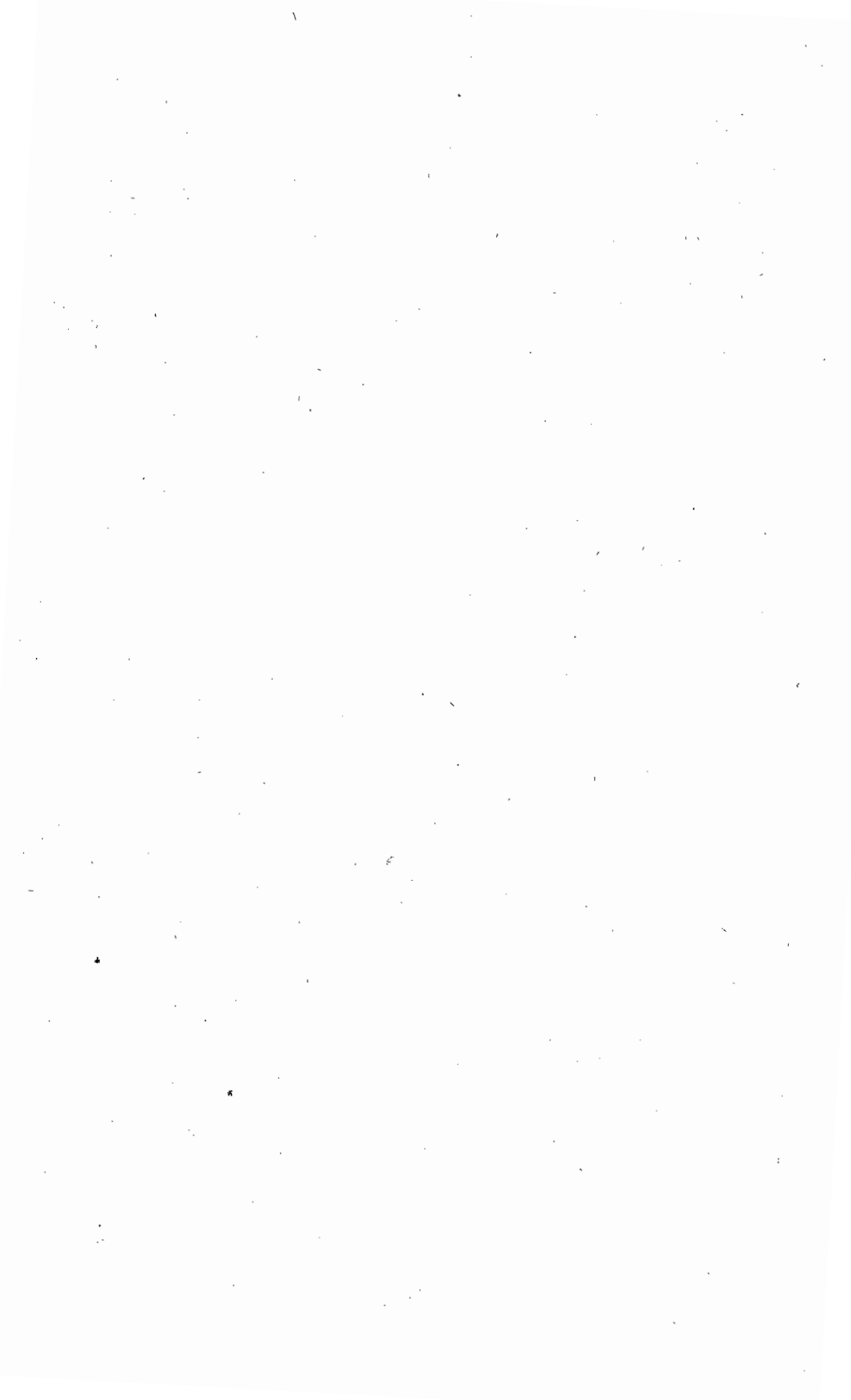
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ABSTRACT

OF THE

Eighth Census of the United States,

SHOWING THE

Population of New Jersey by Counties and Townships.

[ORDERED TO BE PUBLISHED WITH THE LAWS.]

ABSTRACT OF THE CENSUS.

ATLANTIC COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Egg Harbor,.....	3,186	38	3,224
Atlantic City,.....	643	24	667
Galloway,.....	2,711	23	2,734
Egg Harbor City,.....	827	20	847
Weymouth.....	823	.....	823
Mullica,.....	1,575	20	1,595
Hamilton,.....	1,881	64	1,945
Total,.....	11,646	189	11,835

BERGEN COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Franklin,.....	2,249	69	2,318
Hohokus,.....	2,092	260	2,352
Hackensack,.....	5,187	301	5,488
Harrington,.....	1,407	195	1,602
Lodi,.....	1,908	155	2,063
New Barbadoes,.....	3,239	319	3,558
Saddle River,.....	952	55	1,007
Union,.....	906	51	957
Washington,.....	2,040	233	2,273
Total,.....	19,980	1,638	21,618

ABSTRACT OF THE CENSUS.

BURLINGTON COUNTY.

TOWNSHIPS.	White.	Colored	Total.
Bordentown,.....	4,904	254	5,158
Beverly,.....	2,077	48	2,125
*Burlington,.....	5,551	499	6,050
Chesterfield,.....	1,562	66	1,628
Cinnaminson,.....	2,558	143	2,701
Chester,.....	2,138	89	2,227
Evesham,.....	2,861	284	3,145
Egg Harbor,.....	2,348	27	2,375
Lumberton,.....	1,782	48	1,830
Mansfield,.....	2,735	42	2,777
Medford,.....	2,035	101	2,136
New Hanover,.....	2,360	169	2,529
Northampton,.....	3,206	116	3,322
Pemberton,.....	2,643	29	2,672
Shamong,.....	972	36	1,008
Southampton,.....	2,548	10	2,558
Springfield,.....	1,777	33	1,810
Willingboro',.....	626	17	643
Westhampton,.....	1,172	141	1,313
Washington,.....	1,708	15	1,723
Total,.....	47,563	2167	49,730

*The population of Burlington City (included above in the township,) is 5,174.

CAMDEN COUNTY.

TOWNSHIPS.	White.	Colored	Total.
Camden City—North Ward,.....	4,086	45	4,131
Middle ".....	5,015	36	5,051
South ".....	4,482	694	5,176
Total,.....	13,583	775	14,358
Centre,.....	854	451	1,305
Delaware,.....	1,473	129	1,602
Gloucester,.....	2,211	109	2,320
Newton,.....	3,365	690	4,055
Monroe,.....	1,414	3	1,417
Stockton,.....	1,242	231	1,473
Union,.....	2,823	42	2,865
Winslow,.....	1,781	19	1,800
Waterford,.....	1,904	51	1,955
Washington,.....	1,276	31	1,307
Total,.....	31,926	2531	34,457

ABSTRACT OF THE CENSUS.

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CAPE MAY COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Dennis,.....	1,555	3	1,558
Lower,.....	1,675	190	1,865
Middle,.....	2,085	70	2,155
Upper,.....	1,542	10	1,552
Total,.....	6,857	273	7,130

CUMBERLAND COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Bridgeton,.....	3,299	296	3,595
Cohansey,.....	1,467	42	1,509
Deerfield,.....	1,269	19	1,288
Dover,.....	3,104	10	3,114
Fairfield,.....	2,224	224	2,448
Greenwich,.....	899	366	1,265
Hopewell,.....	1,601	156	1,757
Millville,.....	3,842	90	3,932
Maurice River,.....	2,377	53	2,430
Stoe Creek,.....	1,248	19	1,267
Total,.....	21,330	1275	22,605

ABSTRACT OF THE CENSUS.

ESSEX COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Belleville,	3,867	102	3,969
Bloomfield,	4,696	94	4,790
Caldwell,	2,668	19	2,687
Clinton,	3,600	58	3,658
Livingston,	1,310	13	1,323
Millburn,	1,614	16	1,630
Newark City—1st Ward,	6,942	56	6,998
2d "	7,442	257	7,699
3d "	6,187	91	6,278
4th "	7,028	151	7,179
5th "	6,746	43	6,789
6th "	10,732	150	10,882
7th "	8,149	109	8,258
8th "	3,722	141	3,863
9th "	4,893	75	4,968
10th "	4,716	114	4,830
11th "	1,716	41	1,757
12th "	2,438	2	2,440
Total,	70,711	1230	71,941
Orange—1st Ward,	3,009	32	3,041
2d "	2,441	74	2,515
3d "	3,258	63	3,321
Total,	8,708	169	8,877
Total,	97,174	1701	98,875

GLOUCESTER COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Clayton,	2,478	12	2,490
Deptford,	3,931	282	4,213
Franklin,	1,716	62	1,778
Greenwich,	2,121	78	2,199
Harrison,	2,506	38	2,544
Mantua,	1,721	21	1,742
Woolwich,	3,263	215	3,478
Total,	17,736	708	18,444

ABSTRACT OF THE CENSUS.

631

HUDSON COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Bergen,	7,234	195	7,429
Harrison,	2,552	4	2,556
Hudson City,	7,218	11	7,229
Hoboken—1st Ward,	3,987	13	4,000
2d "	2,458	25	2,483
3d "	3,179	.....	3,179
Total.....	9,624	38	9,662
Jersey City—1st Ward.....	4,965	17	4,982
2d "	5,679	10	5,689
3d "	9,227	158	9,385
4th "	9,017	153	9,170
Total.....	28,888	338	29,226
North Bergen.....	6,275	60	6,335
Weehawken.....	278	2	280
Total.....	62,069	648	62,717

HUNTERDON COUNTY.

TOWNSHIPS	White.	Colored.	Total.
Alexandria	4,072	16	4,088
Bethlehem	1,821	38	1,859
Clinton.....	2,889	60	2,949
Delaware	2,795	43	2,838
East Amwell	1,686	179	1,865
Franklin	1,520	32	1,552
Kingwood	2,144	4	2,148
Lambertville.....	2,666	33	2,699
Lebanon	2,477	18	2,495
Readington.....	3,004	71	3,075
Raritan	3,299	145	3,444
Tewksbury.....	2,253	80	2,333
Union	1,193	24	1,217
West Amwell.....	1,034	55	1,089
Total.....	32,853	798	33,651

Slaves—Males 2; female 1. Total 3.

1 male and 1 female slave in Readington township, and 1 male in Clinton tp.

ABSTRACT OF THE CENSUS.

MERCER COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
East Windsor.....	1,825	88	1,913
Ewing.....	1,925	154	2,079
Hamilton.....	3,663	110	3,773
Hopewell.....	3,669	231	3,900
Lawrence.....	1,781	243	2,024
Princeton.....	3,106	619	3,725
Trenton—1st Ward.....	2,435	42	2,477
2d ".....	3,073	318	3,391
3d ".....	3,623	65	3,688
4th ".....	3,328	22	3,350
5th ".....	3,353	215	3,568
6th ".....	742	5	747
Total.....	16,554	667	17,221
Washington.....	1,225	54	1,279
West Windsor.....	1,450	47	1,497
Total.....	35,198	2213	37,411

MIDDLESEX COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
East Brunswick.....	2,391	45	2,436
Monroe.....	3,028	104	3,132
*North Brunswick.....	11,788	512	12,300
Perth Amboy.....	2,268	34	2,302
Piscataway.....	3,054	130	3,184
South Amboy.....	3,626	26	3,652
South Brunswick.....	3,590	226	3,816
Woodbridge.....	3,846	141	3,987
Total.....	33,591	1218	34,809

*The city of New Brunswick is included above in North Brunswick township; separate population—white 10,783; colored 472; total 11,255.
 Slaves—Monroe township 1 female.

ABSTRACT OF THE CENSUS.

633

MONMOUTH COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Atlantic	1,528	164	1,692
Freehold	3,447	364	3,811
Holmdel	1,249	85	1,334
Howell	2,564	10	2,574
Matawan	1,858	214	2,072
Middletown	3,746	366	4,112
Manalapan	2,155	220	2,375
Millstone	2,252	104	2,356
Marlboro'	1,960	123	2,083
Ocean	4,188	158	4,346
Raritan	2,865	114	2,979
Shrewsbury	3,654	476	4,130
Upper Freehold	2,946	252	3,198
Wall	2,277	6	2,283
Total	36,689	2656	39,345

MORRIS COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Chatham	2,863	105	2,968
Chester	1,569	16	1,585
Hanover	3,381	95	3,476
Jefferson	1,471	.....	1,471
Morris	5,803	182	5,985
Mendham	1,627	33	1,660
Pequannock	5,306	134	5,440
Rockaway	3,517	34	3,551
Roxbury	2,862	3	2,865
Randolph	3,158	15	3,173
Washington	2,441	63	2,504
Total	33,998	680	34,678

Slaves—Chatham township 1 female.

ABSTRACT OF THE CENSUS.

OCEAN COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Brick.....	1,833	2	1,835
Dover.....	2,365	13	2,378
Jackson.....	1,602	4	1,606
Plumsted.....	1,903	100	2,003
Stafford.....	1,435	1	1,436
*Union.....	1,914	4	1,918
Total.....	11,052	124	11,176

*Barnegat included in Union township. Population—white 828; colored 4.

PASSAIC COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Acquackanonck.....	3,155	80	3,235
Manchester.....	817	25	842
Paterson—North Ward.....	2,856	101	2,957
East ".....	4,259	150	4,409
South ".....	5,150	2	5,152
West ".....	3,866	19	3,885
Fifth ".....	3,127	56	3,183
Total.....	19,258	328	19,586
Pompton.....	1,548	43	1,591
Wayne.....	1,302	53	1,355
West Milford.....	2,374	28	2,402
Total.....	28,454	557	29,011

Slaves—East Ward, Paterson, males 2.

ABSTRACT OF THE CENSUS.

635

SALEM COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Elsinborough	562	187	749
Lower Penns Neck	1,258	248	1,506
Lower Alloways Creek	1,309	162	1,471
Mannington	1,627	766	2,393
Pilesgrove	2,964	435	3,399
Pittsgrove	1,227	6	1,233
Salem	3,641	224	3,865
Upper Alloways Creek	2,578	321	2,899
Upper Penns Neck	2,852	49	2,901
Upper Pittsgrove	2,018	24	2,042
Total.....	20,036	2,422	22,458

SOMERSET COUNTY.

TOWNSHIPS.	White	Colored.	Total.
Bedminster	1,822	174	1,996
Bernards	2,405	66	2,471
Branchburg	1,087	99	1,186
Bridgewater	4,631	316	4,947
Franklin	3,210	389	3,599
Hillsborough	3,223	271	3,494
Montgomery	1,768	207	1,975
Warren	2,321	67	2,388
Total.....	20,467	1,589	22,056

Slaves—Bridgewater township 1 male.

ABSTRACT OF THE CENSUS.

SUSSEX COUNTY.

TOWNSHIPS.	White.	Colored	Total.
Byram	1,194	8	1,202
Frankford	1,804	24	1,828
Greene	1,021	2	1,023
Hardyston	1,689	23	1,712
Lafayette	914	5	919
Montague	954	29	983
Newton	4,043	54	4,097
Sandyston	1,437	43	1,480
Stillwater	1,811	5	1,816
Soarta	2,027	35	2,062
Vernon	2,172	18	2,190
Walpack	825	26	851
Wantage	3,633	49	3,682
Total	23,524	321	23,845

UNION COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Elizabeth—1st Ward	4,491	106	4,597
2d "	3,287	109	3,396
3d "	3,488	86	3,574
Total	11,266	301	11,567
New Providence	1,296	12	1,308
Plainfield	3,093	131	3,224
Rahway	6,817	283	7,100
Springfield	1,008	12	1,020
Union	1,744	68	1,812
Westfield	1,661	58	1,719
Total	26,915	865	27,780

ABSTRACT OF THE CENSUS.

637

WARREN COUNTY.

TOWNSHIPS.	White.	Colored.	Total.
Belvidere	1,450	80	1,530
Blairstown	1,516	26	1,542
Franklin	1,872	30	1,902
Frelinghuysen	1,294	3	1,297
Greenwich	2,510	32	2,542
Hope	1,770	19	1,789
Hardwick	792	.....	792
Harmony	1,381	2	1,383
Hackettstown	1,340	12	1,352
Independence	1,859	11	1,870
Knowlton	1,552	5	1,557
Mansfield	1,647	41	1,688
Oxford	2,315	35	2,350
Pahaquarry	462	3	465
Phillipsburg	3,697	44	3,741
Washington	2,619	15	2,634
Total	28,076	358	28,434

RECAPITULATION.

COUNTIES.	Whites.	Colored.	Slaves.	Aggregate population.
Atlantic	11,646	189	.....	11,835
Bergen	19,980	1,638	.....	21,618
Burlington	47,563	2,167	.....	49,730
Camden	31,926	2,531	.....	34,457
Cape May	6,857	273	.....	7,130
Cumberland	21,330	1,275	.....	22,605
Essex	97,174	1,701	.....	98,875
Gloucester	17,736	708	.....	18,444
Hudson	62,069	648	.....	62,717
Hunterdon	32,853	798	3	33,654
Mercer	35,198	2,213	.....	37,411
Middlesex	33,591	1,218	1	34,810
Monmouth	36,689	2,656	.....	39,345
Morris	33,998	680	1	34,679
Ocean	11,052	124	.....	11,176
Passaic	28,454	557	2	29,013
Salem	20,036	2,422	.....	22,458
Somerset	20,467	1,589	1	22,057
Sussex	23,524	321	.....	23,845
Union	26,915	865	.....	27,780
Warren	28,076	358	.....	28,434
Total population	647,134	24,931	8	672,073