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ACTS

OF THE

NINETIETH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-SECOND UNDER THE NEW CONSTITUTION.



PATERSON, N. J.:

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1866.

ACTS

OF THE

NINETIETH LEGISLATURE.

CHAPTER I.

Supplement to an act entitled "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 the Williamstown Railroad Company have power to increase the capital stock of the said company to a sum not exceeding five hundred thousand dollars, and that they may extend their road from Williamstown to some suitable point on the Delaware river, at Penn's Grove pier, or within one mile thereof, in Salem county, according to the provisions of the original act to which this is a supplement, and if they cross any navigable stream they may build bridges and put draws therein, if necessary, so as not to obstruct the usual navigation. Power to increase capital stock. May extend road.

2. *And be it enacted*, That the said company may, if they think proper, increase the board of directors to any number not exceeding thirteen. Directors may be increased.

3. *And be it enacted*, That the words "Provided that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state," in section fourteenth of the original charter, be, and the same is hereby repealed, and that the said company shall be subject to any general law taxing railroads. Repeal.

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

JAMES M. SCOVEL,
President of the Senate.
JOHN HILL,
Speaker of the House of Assembly.

Approved January 25, 1866.

New Jersey State Library

CHAPTER II.

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.

Preamble. Whereas, under the authority conferred upon "The Newark Aqueduct Board," by the fourteenth section of the act to which this is a supplement, and by a supplement thereto approved January twenty-ninth, eighteen hundred and sixty-one, they have heretofore issued bonds of the said city of Newark for the purchase of the capital stock and property of the Newark Aqueduct Company, which bonds are, in part, about maturing, and were intended to be paid by the sale of bonds authorized to be issued under an enlarged plan for furnishing the whole city of Newark a full supply of water for all necessary purposes, which plan, however, has been delayed by the peculiar financial condition of the country; therefore,

Authority to issue bonds. 1. BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*, That the Newark Aqueduct board shall have authority to issue, in the name of the mayor and common council of the city of Newark, bonds, to be denominated on their face "Newark City Water Bonds," to an amount not exceeding one hundred and eighty thousand dollars, bearing date on the day of the maturity of the bonds hereinbefore mentioned, with interest payable semi-annually, at a rate of interest not exceeding seven per centum per annum, the principal to be redeemable at the pleasure of said board, which bonds the said board may sell or negotiate for the best price they can obtain for the same, and the proceeds thereof, they shall apply to the payment of the said bonds already issued as above mentioned; and the balance of said proceeds, if any, they shall carry to the credit of the sinking fund of said board already established; said bonds shall be issued in the same manner and under the same rules and regulations, and 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 several supplements thereto; and the interest upon all the bonds already issued,

or which may hereafter be lawfully issued by said board, shall be paid by them to the persons entitled to receive the same, and not to the city treasurer.

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

Approved January 31, 1866.

CHAPTER III.

An act to renew the charter of the "American Mutual Fire Insurance Company of Plainfield."

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 American Mutual Fire Insurance Company of Plainfield, passed March fourth, one thousand eight hundred and forty-six, together with the supplement thereto approved February second, one thousand eight hundred and forty-seven, be and the same are hereby continued and extended for and during the term of twenty years from and after the time by the first mentioned act, limited for its continuance. Extended for twenty years.

2. *And be it enacted*, That this act shall take effect immediately upon the expiration of the time in and by the said act entitled "An act to incorporate the American Mutual Fire Insurance Company of Plainfield," limited for the continuance thereof. When to take effect.

Approved January 31, 1866.

CHAPTER IV.

An act incorporating the Delanco Library Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that Samuel D. Quigg, I. P. H. Wilmerton, Wesley H. Dobbins, David H. Dennis, Frank P. Jones, Henry H. Crane, T. H. B. Quigg, Charles S. Wilmerton, George Kreiner, Hezekiah A. Johnson, Wm. Deacon, Names of corporators

William F. Woolsey, M. D., Andross Ridgway, William Quigg, Thomas Stevenson, and such other persons as may become members of the corporation hereby created, are constituted and declared to be a body politic and corporate, by the name and style of the *Delanco Library Association*, and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and may have a common seal, and change and alter the same at pleasure; and that they and their successors, by the said name shall be capable in law to purchase, take, receive, and hold any estate, real or personal either by devise or otherwise, to the use of them and their successors, and to lease, sell, and convey, or otherwise dispose of the same, as to them shall appear most advantageous for promoting the purposes of their incorporation, but the yearly income of such real and personal estate shall not at any time exceed the sum of two thousand dollars.

Objects.

2. *And be it enacted*, That the said incorporation is hereby incorporated for the purpose of encouraging and promoting the intellectual improvement of the inhabitants of the neighborhood of Delanco, Burlington County, New Jersey, by means of a library and reading room, and by lectures, essays, addresses and debates, and by such other ways and means, as to the said corporation, or the trustees thereof, hereafter mentioned, shall appear most expedient, and the estate and funds of the said corporation after paying all proper claims and expenses, shall be exclusively devoted to all the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purchase and holding of any real estate, and erecting any building thereon, for the benefit and accommodation of the members of the said corporation, and of those who may attend their library and meetings, which real estate they may again sell and reinvest as they may find expedient.

Powers of corporation.

3. *And be it enacted*, That the said corporation shall have power from time to time to make and establish such constitution, by-laws, rules and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the admission of members, for the government of the officers and members thereof, for imposing and collecting admission fees, fines, and contributions from the members,

for regulating the time and place of meetings, for suspending or expelling such members as shall refuse or neglect to comply with the said constitution, by-laws or regulations; and generally for the management and direction of the affairs and concerns of the said corporation.

Officers.

4. *And be it enacted*, That the officers of the said corporation shall consist of a President, Vice President, Secretary, Treasurer, and Librarian, and such other officers as the said corporation or the members thereof, may think fit from time to time to appoint—the officers aforesaid shall be for the time being a board of trustees of the corporation, and shall continue in office one year from the time of their appointment or election, and until others shall be chosen in their stead.

Officers and trustees.

5. *And be it enacted*, That Wesley H. Dobbins shall be the first President, and Andross Ridgway first Vice-President, and William F. Woolsey, M. D., first Secretary, and Hezekiah A. Johnson first Treasurer, and Samuel D. Quigg first Librarian of the said corporation, and shall be the Trustees thereof, and hold their offices until the first Monday in January, 1867, and until others shall be elected in their stead, as hereinafter provided.

Annual meeting and election.

6. *And be it enacted*, On the evening of the first Monday in January, Eighteen hundred and sixty-seven, and on the evening of the first Monday in January in every succeeding year, there shall be an annual meeting of the members of said corporation, at some convenient place in Delanco, which shall be notified by the said officers or trustees for the time being, by an advertisement or notice, set up in open view at or near such place of meeting, at least six days before such meeting, and the members of the said corporation who shall so meet shall select by ballot the said officers or trustees of the corporation, for the year ensuing, which election shall be held by three inspectors to be appointed for that purpose by the said officers or trustees for the time being, and which inspectors shall be the judges of such election, and certify the persons elected to the respective offices aforesaid.

Vacancies to be filled.

7. *And be it enacted*, That in case of the death, resignation, neglect, or the refusal to act of any of the said officers, the members of the said corporation may at any regular meeting elect by ballot any other officer or officers in their stead, who shall hold their offices until the next annual election, and until others shall be chosen in their places.

8. *And be it enacted*, That if an election of the said offi-

Not dissolved for failure to elect.

cers or trustees, shall not be held in any year, at the time appointed for that purpose by this act, the said corporation shall not for that cause be dissolved, but the said officers or trustees for the time being shall order such an election to be held at such other time and place in Delanco, as to them shall appear proper; giving the like notice thereof as is hereinbefore required in the case of the regular annual election.

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

Approved February 5, 1866.

CHAPTER V.

An act to incorporate the Fair Haven Dock Company.

Preamble.

WHEREAS, Charles Doughty, Edward Bennet, Furman Smith, Benjamin B. Hance, Cornelius Hendrickson, Denise Hendrickson, Abraham Trafford, George D. H. Gillespie, and their associates, heretofore erected a dock or wharf at the terminus of the public highway, from Rumsom, at Fair Haven, on the south side of the North Shrewsbury river, in the township of Shrewsbury, in the county of Monmouth, in this state, and said dock or wharf still remains in use; therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Charles Doughty, Edward Bennet, Furman Smith, Benjamin B. Hance, Cornelius Hendrickson, Denise Hendrickson, Abraham Trafford, George D. H. Gillespie, and whoever is or may be their associates and their successors, shall be and they are hereby constituted a body politic and corporate in fact and in law by the name, style and title of the Fair Haven Dock Company.

Board of managers to be chosen.

2. *And be it enacted*, That the business of the said corporation shall be managed by a board of five managers, chosen by the members of said corporation, who shall hold their office for two years, and that Abraham Trafford, Edward Bennet, Charles Doughty, Benjamin B. Hance and Denise Hendrickson shall be the first managers of the said corporation, and shall hold their offices until the first Monday of

January next and until others are legally chosen, and that the succeeding managers of said corporation shall be chosen on the first Monday in January next, and on the first Monday in Jannary of every succeeding year thereafter, at such time and place as the corporation may direct; nevertheless, if any of the elections are omitted, all the officers of this association shall hold their office until others are duly elected.

3. *And be it enacted*, That it shall and may be lawful for said corporation to demand and receive of all persons who use said dock or wharf, and of all persons whose property shall be landed on said dock and be protected by said company, such sums of money from time to time as shall be a just and reasonable compensation for the use of said dock or wharf and store-house that is or may be erected thereon, for the purpose of maintaining and making proper additions to said dock or wharf and store-house. Powers of corporation.

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

Approved February 5, 1866.

CHAPTER VI.

An act to ratify an agreement made between the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies of the one part, and the Commissioners of the Pemberton and Hightstown Railroad Company of the other part.

WHEREAS, by an agreement made the thirteenth day of November, Anno Domini eighteen hundred and sixty-five, between the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, party of the first part, and the commissioners named in the act entitled "An act to incorporate the Pemberton and Hightstown Railroad Company," approved March twenty-fourth eighteen hundred and sixty-four, party of the second part, it is provided that if the said commissioners or the Pemberton and Hightstown Railroad Company will construct and equip ready for use, as in the said agreement specified, their railroad from Pemberton to Hightstown, then Preamble.

and in that case the said party of the first part will lease the same during the continuance of the charter of the respective companies upon the terms and conditions set forth in said agreement; and whereas the legal confirmation of the said agreement will encourage the subscription of the stock of the said Pemberton and Hightstown Railroad Company and give satisfaction to those interested in the construction of said railroad; therefore,

Power to make agreement recognized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power and authority of the said Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, and the said commissioners of the Pemberton and Hightstown Railroad Company, to make such agreement, is hereby declared, recognised and affirmed, and that any lease or leases, contract or contracts now made, or which may be hereafter made, entered into, or executed in pursuance of such agreement, are hereby declared, and the same shall be to all intents and purposes, legal and valid; *provided* that the said lease or leases, and contract or contracts, and the said agreement shall not be held to grant any other power, privilege or right, not granted to said companies, respectively by their charters, and the supplements thereto.

Proviso.

Power given to purchase.

2. *And be it enacted*, That it shall and may be lawful for the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to purchase of the said Pemberton and Hightstown Railroad Company their railroad and its appurtenances at any time as may be agreed upon between the said companies according to the terms of said agreement.

May endorse bonds.

3. *And be it enacted*, That in case it shall become necessary for the Pemberton and Hightstown Railroad Company to borrow money as empowered by the eighteenth section of the act incorporating said company, it shall and may be lawful for the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, in furtherance of the objects of said agreement, to guaranty the payment of moneys so borrowed, by endorsing the bonds or other negotiable paper of said Pemberton and Hightstown Railroad Company.

Authority to subscribe for stock.

4. *And be it enacted*, That in furtherance of the objects of said agreement, it shall and may be lawful for the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, and they are hereby authorized to

subscribe for and take any number of shares, not exceeding one-half of the capital stock of the said Pemberton and Hightstown Railroad Company.

Approved February 5, 1866.

CHAPTER VII.

An act to incorporate the "Good Intent Mining and Prospecting Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George H. Renton, James M. Quinby, Jeremiah Counsellor, Addison Crosby, William B. Guild and Albert Matthews, and the survivors of them, and all such persons as may hereafter be associated with them, and their successors and assigns, shall be, and they are hereby created a body politic and corporate, by the name of "The Good Intent Mining and Prospecting Company," by which name said corporators and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall be capable of proceeding, suing and being sued, pleading, answering and defending in all courts and places, and in all manner of actions and complaints whatever.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege to increase the same in shares as aforesaid, to an amount not exceeding two millions of dollars, said increase, and all transfers of stock, to be made at such time, and in such manner as the directors by by-laws or otherwise may prescribe, which shares of stock shall be deemed personal property.

How subscriptions may be made.

3. *And be it enacted*, That subscriptions to the capital stock may be paid by the sale and transfer to the company of, and it shall be lawful for said company to grant and issue certificates of shares in part or full payment for land or real estate, or any leasehold or other interest, or any property appropriate to the business contemplated by this act, at a valuation to be agreed upon; and the directors of said corporation may issue bonds bearing interest by coupons or otherwise, at a rate not exceeding seven per centum per annum,

May issue bonds.

on the par thereof, secured by mortgage or otherwise, and sell or dispose of the same at their market value notwithstanding it may be less than par; and such bonds shall be deemed lawful, and the company shall be liable for the full amount thereof, and interest at the rate therein specified, and any of said bonds may be made convertible into stock on such terms as the directors may prescribe.

Powers of corporation.

4. *And be it enacted*, That said corporation shall be able and capable in law, and have the power to take, receive and hold in fee simple, or any less estate or interest in, any lands and mineral or other rights and privileges, with their appurtenances, in the territory of Colorado, or elsewhere in the United States or the territories thereof, and shall have power to mortgage, sell, convey, lease, or otherwise dispose of the same, or any part thereof, or any interest therein, and to retain or reserve rents, royalties, or other interests therein, and dispose of the same, and shall have the right to prove and open mines on said lands and work the same, and all mineral lodes or veins therein, and prepare the product of said lands and rights for and transport the same to market and dispose of the same; also to purchase, have, use and dispose of such machinery, goods, wares, merchandize and personal property, and do such other acts and things, and make all such improvements and erections as a successful prosecution of the business of the company may require; but no part of the capital stock of said company shall be used in banking operations.

Any incorporated company may hold stock.

5. *And be it enacted*, That any incorporated company shall have power to take and hold the capital stock or bonds of said company, and the same to sell and transfer, and when holding stock to be represented at the elections and stockholders' meetings of such company, by such person or persons as may be designated by such company holding stock, but an incorporated bank shall not hold stock of the company hereby incorporated except as collateral, and in such case shall not be entitled to vote therein.

Board of directors.

6. *And be it enacted*, That the stock, property and business of said company shall be managed and conducted by a board of not less than five, and not more than nine directors, one of whom shall be president, and the persons named in the first section of this act shall be and are hereby constituted a board of directors, and they shall hold office with the power to fill any vacancy or vacancies until the first annual election and the organization of the board then elected, and

all directors hereafter elected shall hold office until others are elected, and enter upon their duties; within one year after the passage of this act, and annually thereafter, the directors shall be elected by ballot, at such time and place and under such regulations as the by-laws may prescribe, they being stockholders; and if for any cause the election of directors shall not take place at the time fixed, it shall be lawful to elect the same at any other time after two weeks' public notice thereof, in a newspaper published in Essex county, in this state, and in all elections by the stockholders each share of stock not held by an incorporated bank shall entitle the holder thereof to one vote in person or by proxy.

Regulations.

7. *And be it enacted*, That the board of directors shall have power to enact, alter, amend and repeal by-laws, rules and regulations prescribing the number of directors hereafter, the number and duties of its officers, the number, not less than half, who shall form a quorum of the board, the manner of filling vacancies in the board of directors, the regulation of dividends, the government and management of the stock, property, and business of the corporation, and of the officers and persons employed by them and their compensation, and all other needful by-laws, rules and regulations, not inconsistent with the constitution and laws of this state or of the United States; to adopt and use a common seal, and the same to change, alter or renew at pleasure; and it shall be lawful for the board of directors, in case any of the capital should be required to be paid in instalments, to forfeit for the use of the company, any shares of stock and payments thereon made, of any stockholder or stockholders who shall make default in the payment of any instalment at the time the same is payable, notice having been given for two weeks in a public newspaper published in the county of Essex, in this state, of the time and place for the payment thereof, and the directors are authorized to call for the payment of the amount unpaid on any of the stock in such instalments as they may direct.

Shares of stock may be forfeited.

Officers.

8. *And be it enacted*, That the directors must have an office of the company in the county of Essex, in this state, and it shall be lawful for them to have offices out of this state and for the business of the company to be transacted therein, but their annual election must be held in this state.

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

mediately, but the same shall be liable to the tax provided by the act entitled "An act to increase the revenues of the state of New Jersey."

Approved February 5, 1866.

CHAPTER VIII.

A further supplement to the act entitled "An act to incorporate the Phœnix Manufacturing Company."

Repeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "a supplement to the act to incorporate the Phœnix Manufacturing Company," approved March tenth, Anno Domini eighteen hundred and fifty-nine, be and the same is hereby repealed, and that the said The Phœnix Manufacturing Company, shall from and after the passage of this act, possess all the powers, privileges and franchises originally granted to said The Phœnix Manufacturing Company, as fully to all intents and purposes, as though the said supplement to said act had not been passed.

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

Approved February 5, 1866.

CHAPTER IX.

An act to change the name of John Hinneschiedt to that of John Hinchy.

Name changed to John Hinchy

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of John Hinneschiedt, of Egg Harbor City, in the county of Atlantic, be and the same is hereby changed to John Hinchy, 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 Hinneschiedt.

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

Approved February 6, 1866.

CHAPTER X.

An Act to consolidate the Burlington County Railroad Company and the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company, supplementary to the charters of the said companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Burlington County Railroad Company, and the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company, whenever two-thirds of the stockholders in interest of each of the said companies shall in writing express their consent and agreement thereto, to consolidate the said two companies together into one company, to be called the Camden and Burlington County Railroad Company; and whenever such consent and agreement shall be filed in the office of the secretary of state of this state, signed by said stockholders, and attested by the presidents and secretaries and the seals of the said companies respectively, the said consolidated company shall be a body politic and corporate of this state, by the name of the Camden and Burlington County Railroad Company, and by that name shall have perpetual succession, and the other usual powers incident to corporations aggregate of this state, and thereupon all and singular the franchises, privileges, powers and immunities, and all the rights and credits, moneys and effects, and all the property, real, personal and mixed, of the said two first named companies respectively granted by or acquired under their respective charters and the several supplements thereto, shall vest in and become the property and the right of the said Camden and Burlington County Railroad Company, which company shall also be liable for the payment and satisfaction of all lawful debts, claims and demands against the said two first named companies respectively, and subject to all the responsibilites, duties and obligations of their said charters respectively, and of the several supplements thereto, except as modified by this or some other act; *provided however*, and it is hereby enacted that after such consolidation shall be effected, said consolidated company shall in all respects act and be governed by the laws now in force respecting the said Burlington County Railroad Company so

Power to consolidate.

Name of corporation.

Proviso.

far as the same may be applicable; and the railroad of the said Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company shall be deemed an extension of the said Burlington County Railroad.

Previous agreement ratified.

2. *And be it enacted*, That the consent and agreement for consolidation mentioned in the foregoing section shall be valid although made before the passage of this act, and when certified and filed as aforesaid, whether made before or after the passage hereof, the same may be exhibited and verified before the governor of this state for the time being, and if he shall be satisfied that the same is in accordance with and satisfied the requirements of the said section, he shall so certify under his hand and seal of office, which certificate shall also be filed in the office of the secretary of state, and be published in the next succeeding volume of the session laws of this state, and the said certificate, or an exemplified copy thereof, or the said printed copy shall be lawful and sufficient evidence that the said requirements of the preceding section of this act in reference to the consent and agreement of the said stockholders to a consolidation as aforesaid has been satisfied and complied with.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said consolidated company shall be three hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars; and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and be transferable in such manner as the by-laws of said company may direct, and each stockholder of the Burlington County Railroad Company, in lieu of the stock by him, her or them held in said company, shall be entitled to and hold the same number of shares in the said consolidated company, and each stockholder of the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company, on whose stock shall be paid twenty dollars per share, shall likewise in lieu of the stock by him, her or them held in said company, be entitled to and hold the same number of shares in the said consolidated company, upon the payment by every such stockholder of five dollars per share to the treasurer of said consolidated company, or if such stockholder shall not elect to make such payment, he, she or they shall be entitled to and hold such number of shares in said consolidated company as shall equal in par value his, her or their stock in said Horse Car Railroad Company, having the option of paying or receiving

the difference between full shares and fractions; *provided, however*, and it is hereby further enacted that until the road from Camden to Mount Holly shall be opened for use, the receipts and expenditures therefor shall be kept separate from those of the Burlington County Railroad; and when the said road from Camden to Mount Holly shall be ready for use, it shall be the duty of the board of directors of the consolidated company hereinafter mentioned to ascertain what amount of the earnings of said Burlington County Railroad since its last dividend to the stockholders thereof shall have been applied to the cost and equipment of said road, which would otherwise have been applicable to the payment of dividends, and thereupon to declare to the holders of the present stock of the said Burlington County Railroad Company such dividend, payable in stock or otherwise, as shall be deemed just and equitable; and if made payable in stock, the same shall be paid in the stock of the said consolidated company; *provided, further*, that if any stockholders of either of the said two companies herein and hereby authorized to consolidate shall refuse or be incapacitated to enter into and sign such consent and agreement for consolidation as before mentioned, it shall be the duty of the said consolidated company to pay such person or persons the fair value of their stock, to be ascertained by the commissioners to be appointed by the court of chancery of this state on the application of either party, which court shall have full jurisdiction of the subject. Proviso. Proviso.

4. *And be it enacted*, That the stock, property and affairs of the said consolidated corporation shall be managed and conducted by a board of fifteen directors (nine of whom shall be a quorum for the transaction of business), which directors shall hold their offices for one year, and until others shall be chosen in their stead, except that when a vacancy is filled, it shall be only for the unexpired term; and the first election for directors shall be held at the railroad depot in Mount Holly, on the second Saturday in May next, and annually thereafter on the second Saturday in May in each year, at the office of the company in Mount Holly, or at such other place as the directors may from time to time designate and appoint, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon; and the polls at each election shall be kept open at least one hour; notice of such election shall be given in one of the newspapers published in each of the counties of Bur- Board of Directors.

lington and Camden at least ten days prior thereto; and at all such elections there shall be two judges of election selected from the stockholders, and each stockholder shall be entitled to one vote for each share of stock held by him, her or them; as soon as may be after the first and each annual election, the directors chosen shall appoint one of their own number to be president of the company, who shall be a resident of this state, and if by death, resignation or otherwise a vacancy shall happen in the office of president, or that of any of the directors, such vacancy shall be filled by the board of directors, and in case of the absence of the president the board may appoint a president pro tempore.

First board of managers.

5. *And be it enacted*, That until the first election of directors provided for herein shall be held and certified, the business and affairs of each company shall be managed by its president, directors and officers.

Power to appoint Officers.

6. *And be it enacted*, That the board of directors of the said consolidated company shall have power to appoint a secretary, a treasurer and such clerks, agents, superintendents and workmen, and such other officers of said company as to them shall seem meet, and the same at pleasure to remove, and to establish and fix such salaries for them, and also for the president, as to the said directors shall seem proper, and shall have power to alter or change the time of holding the annual elections, by a vote of two-thirds of the directors at any stated meeting of the board; and in case the annual election hereinbefore provided for shall not, for any cause, take place at the time specified, it may be held at a subsequent time upon like notice as aforesaid, and the directors thus elected shall hold their offices until the next annual election or until others are elected in their stead.

May alter location of Route.

7. *And be it enacted*, That it shall and may be lawful for the said Camden and Burlington County Railroad Company to change or alter the location of the route of the said railroad between Mount Holly and Camden or such part thereof as they may deem advisable, the same nevertheless passing through Merchantville, Moorestown and Hainesport, as at present, or to cause the same to connect with the Camden and Amboy Railroad before reaching Camden, and from the point of such connection to run their cars and trains upon and use the said last mentioned railroad upon such terms as may be agreed upon between them and the Camden and Amboy Railroad and Transportation Company; and so much of the Camden and Amboy Railroad as shall be thus used

by the said consolidated company shall be deemed for all the purposes of this act, and of any act to which this is a supplement, as a part of the railroad of the said consolidated company from Camden to Mount Holly, saving always to the Camden and Amboy Railroad and Transportation Company all their rights in and control over the same; and the said Camden and Burlington County Railroad Company, after filing in the office of the secretary of state of this state a survey of their said railroad, or any part thereof differing from the original location of the same, shall be invested with all the powers and privileges and subject to all the conditions in taking possession of and using the land on which the said road shall be relocated for the use and construction thereof, which by the act of incorporation of the said Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company they might or could exercise or enjoy respecting the land over which the said road was originally located.

May use steam power.

8. *And be it enacted*, That the said Camden and Burlington County Railroad Company shall have full right and authority to use steam for the transportation of freight and passengers on their road from Camden to Mount Holly, that the time limited for the completion of said road shall be extended three years, and that the Camden and Amboy Railroad and Transportation Company may purchase or subscribe for capital stock of the said consolidated company, and may have, hold and transfer the same and all privileges and immunities thereof; also it is enacted that the said consolidated company shall have power and authority to borrow money at interest not exceeding seven per centum, on bond or otherwise, for the purposes of its charter or charters, and the payment thereof to secure by a mortgage or mortgages, executed upon the property, franchises, corporate rights and effects of the said company.

Statement to be filed.

9. *And be it enacted*, That as soon as the said railroad from Camden to Mount Holly shall be finished, the president of the said consolidated company shall file, under oath or affirmation, a statement of the costs of the railroads of said consolidated company 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 roads; and whenever the net earnings of said consolidated company shall, over expenses and interest, amount to six per centum per annum upon its

capital stock, the said company shall pay to the treasurer of the state a tax of one-half of one per centum upon the cost of said road, to be paid annually on or before the fourth Monday of January; and such other state tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws.

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

Approved February 6th, 1866.

CHAPTER XI.

An act to incorporate the Atlantic Cemetery at Colt's Neck.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Trustees of the Reformed Dutch Church at Colt's Neck," and their successors in office; and John Polhemus, Levi Scobey, John T. Campbell, Samuel T. Vanderveer, John E. Vanderveer, Benjamin D. Sickles, Garret C. Buck, John T. Haight, and such other persons as may hereafter be associated with them and their successors, be, and are hereby ordained, constituted and declared a body politic and corporate in fact and in law, by the name and title of the Atlantic Cemetery.

Corporators.

2. *And be it enacted*, That the said corporation shall have power to hold in fee by purchase, gift or otherwise, a tract or tracts of land, not exceeding one hundred acres, situate in the township of Atlantic, county of Monmouth, New Jersey; and to hold, occupy, and improve the same, and to lay out and divide said tract or tracts of land into sub-lots, and to sell and dispose thereof, for the purposes of burial, subject to such conditions, regulations and restrictions as may be established by the said corporation.

3. *And be it enacted*, That the said corporation shall be composed of "The Trustees of the Reformed Dutch Church at Colt's Neck," and their successors in office, and of eight other persons who shall be elected by the owners of plots in

said Cemetery; and in all elections for trustees, every person of full age, who shall be a proprietor of a lot, or if there be more than one proprietor of any lot, then such persons as the majority of joint proprietors shall designate to represent such lot may give one vote, either in person or by proxy for each lot owned by him her or them.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of seventeen trustees, to be composed of "The Trustees of the Reformed Dutch Church at Colt's Neck," and their successors in office, and of the eight persons above named as corporators, and their successors in office, whose term of office shall continue until the first Monday in January, anno domini, eighteen hundred and sixty-seven; on which day, and annually thereafter, at such time, and at such place, and subject to such regulations as the said corporation shall prescribe, an election for eight trustees shall be held, and said trustees shall be divided by lot, into two classes, viz: the first class shall hold office for one year, and the second class shall hold office for two years; and that annually thereafter, four trustees shall be elected to hold office for two years; and in all cases of elections, ten days notice shall be given by handbills or by written notices posted in three of the most public places in the neighborhood.

5. *And be it enacted*, That the trustees of said corporation shall have power to make and establish all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state or of the United States as they shall deem proper and advisable; and that the president and secretary of "The Trustees of the Reformed Dutch Church at Colt's Neck," shall be considered, and shall act as president and secretary of the board of trustees of the said cemetery; and that they, the president and secretary, shall make and execute all deeds of conveyance of lots in said cemetery by virtue of the power vested in them as president and secretary of "The Trustees of the Reformed Dutch Church at Colt's Neck." President may make deeds.

6. *And be it enacted*, That the said corporation by a majority of votes, shall have power to appropriate and set apart such proportion of the proceeds of sale of lots in said cemetery, as they shall by their votes determine as a permanent fund, to be used and invested as the trustees shall prescribe, the interest of which alone is to be used for the purpose of

keeping up the fences and improvements in said cemetery, after all the lots shall have been disposed of.

7. *And be it enacted*, That if from any cause, any election hereinbefore named, shall not be held at the time specified by this act, the same may be made at any other time 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 act shall not be defeated or avoided by reason of the irregularity or want of such election.

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

Approved February 6, 1866.

CHAPTER XII.

An act to incorporate the Paterson Market Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Blauvelt, Andrew H. Van Wagoner, John P. Zeliff, Cornelius H. Post, John Hogencamp, Abraham R. Rutan, Jacob Mercelis, Cornelius Sandford and John S. Longwell, and the survivors of them, and all such persons as shall be hereafter associated with them, and their successors and assigns shall be, and they are hereby constituted a body corporate, by the name of the Paterson Market Company, for the purpose of erecting a market and market buildings in the city of Paterson, at any place or places in said city between the two bridges across the Passaic river, known as the upper and lower bridges, and for that purpose may negotiate for and purchase any lands or property within five hundred yards of said river, by them deemed necessary for that purpose; and may erect piers in said river, or upon the borders thereof.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, with the privilege of increasing the same to any sum not exceeding five hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not

less than five, nor more than nine directors, all of whom shall be stockholders, one of whom shall be president, who shall hold their office for one year and until others shall be elected in their stead; the number of said directors to be fixed from time to time by the stockholders at their annual meeting; that the first election of directors by said company shall be held on the first Monday in June next, and, after that, annually on the first Monday in June in each year, at such place and time as shall be fixed by the directors, by public notice in a newspaper printed and published in the city of Paterson, at least two weeks before the day of said election; the first directors of said company shall be Jacob D. Blauvelt, John P. Zeliff, Benjamin Geroe, Absalom B. Woodruff, Cornelius H. Post, John D. Hogan, Cornelius Sandford, Garret Van Wagoner and George G. Ryerson, who shall hold their offices until others shall be elected.

4. *And be it enacted*, That the books of subscription for said stock shall be opened, at such time and place as shall be designated by the persons hereby incorporated, or a majority of them, and if more shares are subscribed than are sufficient to make the amount of said capital stock, the same may be distributed by them, or a majority of them, as they shall deem best.

Shares may be forfeited for non payment.

5. *And be it enacted*, That it shall be lawful for the directors of said company to call for and demand from the stockholders of said company all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively held and all previous payments made thereon, if such payments shall not be made in sixty days after notice requiring such payment shall have been published for that time in a newspaper printed and published in Paterson aforesaid, at least once in each week.

6. *And be it enacted*, That in case an election at any time should not be held on the day specified in this act, this corporation for that cause shall not be dissolved, but it shall be lawful to hold such election on any subsequent day to be fixed by a resolution of a majority of said directors.

7. *And be it enacted*, That the stock, property and estate of said corporation, of whatever name, or kind, shall be deemed personal estate and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation; and no transfer of stock shall be valid unless it be

entered and registered in the book or books kept by the directors of the company for that purpose.

8. *And be it enacted*, That this corporation shall possess the general powers and be subject to the provisions of "An act concerning corporations," approved the fourteenth day of February, Anno Domini eighteen hundred and forty-six, and the supplements thereto.

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

Approved February 6, 1866.

CHAPTER XIII.

An act to renew the charter of the Globe Mills Manufacturing Company, of the county of Essex, (now of the county of Passaic), incorporated January nineteenth, eighteen hundred and thirty-seven.

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 Globe Mills Manufacturing Company, in the county of Essex," approved on the nineteenth day of January, eighteen hundred and thirty-seven, and all or any supplements thereto, shall be, and the same are hereby renewed, extended and continued in force, for and during the term of thirty years from and after the time limited in said act for its continuance.

Corporate power extended thirty years.

2. *And be it enacted*, That the said company shall hereafter bear the name of "The Globe Mills Manufacturing Company, in the county of Passaic."

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

Approved February 7, 1866.

CHAPTER XIV.

An act to incorporate the Pompton Steel and Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Erastus Corning, James Horner, John M. B. Davidson, Charles Van Benthuysen and James Ludlum, and the survivors of them, and all such persons as may hereafter be associated with them, or their survivors, their successors and assigns, shall be and they are hereby created a body politic and corporate in fact and in name, by the name of "The Pompton Steel and Iron Company," for the purpose of manufacturing steel and iron, and other articles of which iron may form a component part, and of carrying on the business incident thereto; and by that name shall have continued succession, and shall be capable of holding, purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the corporation hereby created. Corporators.

2. *And be it enacted*, That the stock, property and concerns of the said company, shall be managed and conducted by not less than three nor more than five directors, being stockholders, one of whom to be president, who shall hold their office for one year; and that the said directors shall be chosen on the third Monday in January, or on such other day as the directors shall appoint, in every year, at such time and place as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in a newspaper published in the city of Paterson, in the county of Passaic, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled, either in person or by proxy, or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the persons having the greatest number of votes, 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 being present when the same shall be done; and if it at any time happen, that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be elected, 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 Erastus Corning, James Horner, John M. B. Davidson, Charles Van Benthuysen and James Ludlum, who shall hold their office until the third Monday in January next, and until others are legally chosen.

Directors.

3. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with liberty to the said directors to increase the same to five hundred thousand dollars if they deem proper to do so, to be divided into shares of one hundred dollars each; and as soon as one hundred thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence business, with that capital conduct and carry on their operations until they deem it expedient to extend the same; and it shall be lawful for the directors of the said company to call and demand from the stockholders of said company respectively, all such sums of money by them subscribed, at such time, and in such proportion as they shall deem proper, not exceeding twenty-five dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders and all previous payments thereon, if such payments shall not be made within thirty days after a notice shall have been served upon, or sent by mail to the usual place of abode of such stockholders; and any land, building, property or machinery, used in the business of the said company, and received in payment or satisfaction of subscriptions for stock, shall be taken at a valuation approved by a majority of the board of directors.

Capital stock.

4. *And be it enacted*, That the subscription of the said stock shall be opened at such time or times and place or places as the directors shall designate, under the direction of the board of directors, or such of them as shall be designated by said directors for that purpose; and if more stock is subscribed for than the amount deemed by the directors proper for carrying on said business, the said directors shall

have the power to distribute the shares deemed by them sufficient, between those subscribing, in such proportion as they shall deem proper.

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

6. *And be it enacted*, That in case it should at any time happen that any election should not be made on the day that pursuant to this act the same should be made, the said corporation shall not for that cause be deemed 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 by-laws and ordinances of said corporation. Elections.

7. *And be it enacted*, That a majority of the directors, for the time being, shall form a board for the transaction of the business of said corporation, and shall have power to ordain, establish and put into execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government, management, or the disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution and the laws of the United States or of this State.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be entered all the transactions of the said corporation, which shall at all times be open to the inspection of the stockholders of the said corporation, or their legal attorney or attorneys, and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered and registered in the books to be kept by the president and directors for that purpose.

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

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, or the survivors or survivor of them, shall be trustees for the purpose aforesaid.

10. *And be it enacted*, That this corporation shall possess the general powers and be subject to the provisions of "An act concerning corporations," approved the fourteenth day of February, Anno Domini eighteen hundred and forty-six, and the supplements thereto.

11. *And be it enacted*, That this act shall continue in force for the space of thirty years, and shall go into effect immediately.

Approved February 7th, 1866.

CHAPTER XV.

An act to incorporate the Smithville and Blue Ball 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 Smithville and Blue Ball Turnpike Company shall be opened by Ellison Clayton, Horatio Ely, William R. Conover, Henry P. Parker, William B. Sutphin, Joseph Coombs, Gilbert Hendrickson, and James H. Stillwell, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and such places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Commissioners.

2. *And be it enacted*, That the capital stock of said company shall be eight thousand dollars, with liberty for the said company to increase the same to twelve 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

Capital stock.

Smithville and Blue Ball Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of said company into effect.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscription shall be paid in instalments at such times and at such places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in the 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 instalments, or any of them, to and for the use of said company; *provided*, that if Proviso. the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscrip- Proviso. tion 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 instalment, by work, upon said road, under such regulations, 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 hereinbefore made necessary for the incorporation of the said company be not subscribed for within three years from the time of opening the said subscription books, this act and all the subscriptions under it shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers or their representatives, in proportion to the sums paid in by them.

5. *And be it enacted*, That when one hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by

Election of Directors.

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, and 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; *provided*, nevertheless, that no stockholders shall have more than twenty votes, although he or she may have a greater number of shares.

Proviso.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall be a citizen of this state and a resident of the county of Monmouth, who shall hold his office for one year 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 the judges of all elections of the stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Vacancy, how filled.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy in the intervals between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident in the county of Monmouth, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they

may think expedient for regulating the transfer of stocks, and for the general government of the company and the management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or the United States. Proviso.

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

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president, or three of the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed, with regard to the annual meetings, which said notice shall specify the particular objects 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.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Clark Clayton's store, in the county of Monmouth, to the residence of Dr. Dewitt Barclay, in said county, which said turnpike road shall be constructed on and along the public highway leading from Dr. Dewitt Barclay's residence to Clark Clayton's store, and that the present highway over which the said turnpike shall be constructed as aforesaid, shall be extended in width one rod, so as to make it a three rod road; *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 Proviso.

said turnpike road upon now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be, in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his, or her land, 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 owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

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 highways, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet six inches thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than eighteen 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 overset, 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.

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 the 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 underdrains across and through such lands necessary for properly draining said road, and that when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner

Proceedings when company and owners cannot agree.

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 appraisement 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 and affirmations aforesaid, 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 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 justices, 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 said company.

Toll Gates to be erected.

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 two in number, and to demand and receive toll in traveling each mile, and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent;
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 or calves, sheep or hogs, or carriages, of burthen or pleasure, from passing through the said gates or turnpike until they shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day, or to or from any mill to which they may usually resort for grinding for family use, or horses, carriages, sleighs or sled carrying persons to or from funerals, or any person passing to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of the state or of the United States.

Proviso.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones 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 Clark Clayton's store, and shall cause to be fixed and always to be kept up at the gates or turnpike, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs." Mile stones to be erected

16. *And be it enacted*, That if any person shall wilfully 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 person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person in his or her carriage, team or horse, turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay 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 or persons with his or her carriage, team or horse, turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the same road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit or pay three times as much as the legal toll would have been for passing through the said gates, to be recovered by said company for the use thereof, in an action of debt, with costs of suit. Penalty for injuring works.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, the company shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, Penalty for delaying travellers.

to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any persons who shall be so 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.

Penalty for obstructing passage.

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 times and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the 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 the 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, the company 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,

Proceedings when roads and bridges are not kept in repair.

and report as aforesaid their opinion to the said justice, who shall, if authorized by the report of said person, or any two of them, by license under his hand and seal, directed to the toll-gatherers, permit the gates or turnpikes to be shut and the toll to be collected as before, and the same 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 person or 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 as 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.

Restrictions and liabilities.

20. *And be it enacted*, That if the said road is not commenced within two and completed in four years from the passage of this act, then and in that case this act shall 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, eighteen hundred and forty-six, so far as the same are applicable.

When toll may be taken

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 tollgate 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 7, 1866.

CHAPTER XVI.

An act supplement to an act entitled "An act to incorporate the Union Car Manufacturing and Transportation Company."

Providing for increase of capital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to incorporate the Union Car Manufacturing and Transportation Company," approved March twenty-third, eighteen hundred and sixty-five, shall be amended by inserting after the words "two hundred and fifty thousand dollars," the words, "with the privilege of increasing the same to five hundred thousand dollars," and further, by striking out the word "thousand," after the words "shares of one," and inserting in lieu thereof, the word "hundred."

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

Approved February 8, 1866.

CHAPTER XVII.

An act to incorporate the Roselle Land and Improvement Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Knox, A. D. Hope, Josiah O. Sterns, Edward G. Brown, Peter Sandford, John C. Rose, David Mulford and James Moore, 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 Roselle 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 Union, as may be necessary or expedient to the objects of this incorporation, and may

receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for said purposes.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by eight 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, and at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Union; and such 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 by the stockholders; the first directors shall be Samuel Knox, A. D. Hope, Josiah O. Sterns, Edward G. Brown, Peter Sandford, John C. Rose, David Mulford and James Moore, who shall hold their offices until the first Monday of May next, or until others are legally chosen.

Election of directors.

First directors.

3. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed and the sum of fifty dollars on each share so subscribed, paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the object of said corporation; and it shall be lawful for the directors of said corporation to call and de-

Amount of capital stock

mand from the stockholders thereof respectively such instalments, and at such times and in such proportion, as they shall deem proper, not exceeding ten dollars on each share at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Union, or be given in writing to the stockholders for the like space of time before such instalments are required to be paid, and in case of the failure of any stockholder to pay his or her instalment at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place and remain open such time in the said county of Union 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.

Stock transferable.

May hold and sell real estate.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, to open, lay out, grade or vacate streets and alleys, and to use the same for agricultural purposes or in any other lawful way that the said corporation may deem necessary and advisable.

May make 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.

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.

Corporation shall not be dissolved.

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

8. *And be it enacted*, That this act shall continue in force thirty years, and that the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteen, eighteen hundred and forty-six, so far as applicable, and that this act shall take effect immediately. Restrictions and liabilities.

Approved February 8, 1866.

CHAPTER XVIII.

An act to incorporate the Hudson City Academical Society.

1. BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*, That Frederick A. Goetze, George Wiecke, John Roemmelt, Fr. Dieffenbach, John G. Kuhn, William Hotopp, Charles Loekle, Charles Kamlah, William Koven, Alexander Franck, Andrew Leicht, Charles Spielmann, Leopold Steidel and George Glaubrecht, 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 Hudson City Academical Society," and by that name shall possess all the powers and privileges of a corporation. Names of corporators.

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

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of thirty thousand dollars, and shall be divided into shares of five dollars each, which shall be transferable in the manner and upon the conditions that shall be prescribed by the 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. Capital stock amount of.

4. *And be it enacted*, That no stockholder shall be entitled to vote in said corporation at any election of 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.

Election of members.

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-six, or until new trustees shall be elected in their place.

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.

Constitution and by-laws.

Election of officers.

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 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.

May hold property.

8. *And be it enacted*, That no trustee of said corporation

shall receive any compensation whatever for his services as such trustee, or as an officer of said corporation. No compensation to be allowed.

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

Approved February 8, 1866.

CHAPTER XIX.

An act to incorporate Newark Lodge, Number Seven, Free and Accepted Masons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel B. Bruen, Adam Hay, Jonathan Fairchild, Oscar J. Valentine, David S. Plume, and their successors, and all persons who now are, or hereafter may be associated with them, be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name, style and title of "Newark Lodge, Number Seven, Free and Accepted Masons," of Newark, New Jersey, and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law, or equity, or elsewhere, and shall be able and capable in law or equity to take and hold to them and their successors, either by grant, gift, devise, or lease, any lands or real estate, or any personal property of whatever kind soever, by gift, grant, bargain, sale, will, devise, or bequest, from any person or persons whatsoever capable of making the same, and to grant, bargain, sell or dispose of the same for the use of the said corporation, and generally to do all and singular such matters and things as may be necessary for the well being and proper management of the affairs of the said corporation, not contrary to the laws of this state or of the United States. Names of corporators. May hold lands and real estate.

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

3. *And be it enacted*, That the government of said corporation, and the management and disposition of its affairs and property shall be vested in a board of trustees, who shall be elected annually, at such time and in such manner as the Election of trustees.

said corporation shall by its by-laws provide; at the first meeting of the trustees after their election in each year, they shall select from among themselves, a president, secretary and treasurer.

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

Approved February 8, 1866.

CHAPTER XX.

An act to incorporate the Camden Building and Land Improvement Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph M. Wade, Frederick Klett, John F. Starr, Genge Browning, D. Tenney Gage, Henry Allen, Charles Wilson, John G. Hutchison and Benjamin F. Archer, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Camden Building and Land Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, disposing, and conveying any land, tenements, hereditaments and appurtenances thereto belonging, goods and chattels, and of performing all other acts, necessary or proper for accomplishing the objects of the said corporation hereby granted; and may receive and make all deeds, transfers, conveyances, covenants, grants, contracts, agreements and bargains, whatsoever necessary for the said purposes.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege, from time to time of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of twenty-five dollars each; but as soon as twenty-five thousand dollars of said capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall be lawful for said company to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors

of said company to call and demand from the stockholders thereof respectively, such instalments, and at such times, and in such proportions, and upon such notice as they shall deem proper, not exceeding five dollars on each share at any one time, and in case of failure by any stockholder to pay his or her instalment or instalments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon, for the use of said company. Forfeiture incurred.

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

4. *And be it enacted*, That the affairs of the said company shall be managed by a board of not less than seven nor more than thirteen directors, to be chosen by the stockholders of the said company annually, at such time and in such manner as by the by-laws of the said company may be directed, and who shall serve for one year and until others shall be chosen in their stead, notice of which said election shall be given previously, for two weeks at least, in some newspaper published in the county where said election is to be held; that a majority of said board shall constitute a quorum for the transaction of business; that the said directors shall, from time to time, elect a president out of their body, and shall also elect and employ such other officers as may be convenient and necessary; that said directors may fill vacancies in their own board until the next annual election; and that Joseph M. Wade, Frederick Klett, John F. Starr, Genge Browning, D. Tenney Gage, Henry Allen, Charles Wilson, John G. Hutchison, and Benjamin F. Archer, shall be the first directors of said company, who, or a majority of them, shall as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead. Election of directors. First directors.

5. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the Company may be dissolved. Proviso.

survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Limitation.

6. *And be it enacted*, That this act shall continue for twenty years, and it shall be lawful for the legislature of this state to alter, modify or repeal the same whenever in their opinion the public good may require it.

Restrictions and liabilities.

7. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable.

Approved February 8, 1866.

CHAPTER XXI.

A further supplement to an act entitled "An act to incorporate the Mount Holly and Jobstown Turnpike Company," approved February twenty-fifth eighteeen hundred and fifty-three.

To reduce capital stock

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and they are hereby authorized to reduce the capital stock of said company to the sum of eight thousand dollars.

Repealed.

2. *And be it enacted* That so much of the fourteenth section of the act to which this is a supplement as exempts any person passing "to or from any mill, to which he may usually resort for grinding of grain for family use," be and the same is hereby repealed.

Penalty.

3. *And be it enacted*, That it shall and may be lawful for said company to keep said road open to the full width of three rods; and in case any person who has or shall encroach upon said road shall refuse to remove said encroachments, within three days after having received notice to remove the same, he or they shall forfeit and pay the sum of ten dollars for every such offence, to be sued for and recovered by

the directors of said company, for the use of said company.

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

Approved February 8. 1866.

CHAPTER XXII,

An act to incorporate the Passaic Falls Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Christie, John Cooke, John J. Brown, William Cooke and James Rippey, Jr., 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 Passaic Falls Manufacturing Company," for the purpose of manufacturing cotton goods, 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 or 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. Names of corporators. Proviso.

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 Election of directors.

of New Jersey, and 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 second Monday in January 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 George Christie, John Cooke, John J. Brown, William Cooke, and James Rippey, Jr., and the survivors of them shall be the first directors of the said corporation, and shall hold their offices until the second Monday in January next, and until others are legally chosen.

First directors.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as forty thousand dollars of the said capital stock shall have been subscribed and 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

Capital stock.

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.

Subscription 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.

Stock transferable.

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.

Proviso.

Not dissolved for failure to elect.

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 days as shall be prescribed by the by-laws of the said corporation.

Powers of directors.

7. *And be it enacted*, That a majority of 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 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.

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, 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.

Corporation may be dissolved.

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

Proviso.

for the time being, and the survivors or 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 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 or survivor of them, shall be trustees for the purpose aforesaid.

Limitation. 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 twenty years from the time of its passage; Proviso. *provided nevertheless*, that the legislature reserve the right to 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 February 8, 1866.

CHAPTER XXIII.

A supplement to the act entitled "An act to ratify the bonds or other evidences of indebtedness heretofore issued or hereafter to be issued by the Board of Chosen Freeholders of the county of Essex, in this state, for war purposes, and to provide for the payment thereof," approved February twenty-eighth, eighteen hundred and sixty-five.

Bonds to be sold. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Essex, from time to time to sell and dispose of their coupon bonds issued or to be issued by them, by virtue of the second section of the act to which this act is a supplement, at such Proviso. market rates as can be obtained for the same; *provided*, that the amount of such bonds so sold and disposed of shall not exceed in all an amount sufficient to liquidate a temporary

loan of two hundred and sixty thousand dollars (260,000), incurred and used in the payment of bounties for war purposes.

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

Approved February 8, 1866.

CHAPTER XXIV.

A supplement to an act entitled "An act to incorporate the Red Bank and Holmdel Turnpike Company," approved March twenty-fourth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said the Red Bank and Holmdel Turnpike Company, to construct and make a branch turnpike road on and along the public highway that leads from the said company's present turnpike road, at or near James Hubbard's gate, to the public highway that leads from Leedsville to Mechanics' Corner, with the same rights and privileges, and under the same restrictions and liabilities, except as hereinafter mentioned, as are provided in the act to which this is a supplement. Branch to be constructed. Restrictions and liabilities

2. *And be it enacted*, That it shall and may be lawful for said company to demand and receive toll for traveling each mile, and all fractions of a mile of this turnpike road mentioned in the act to which this is a supplement; and also for traveling each mile and all fractions of a mile of said branch turnpike road, when constructed as herein named, not exceeding the following rates, to wit: Toll to be received.

For every carriage, sleigh or sled, drawn by one beast, one and one-half cents; Rates of toll.

For every additional beast, one and one-half cents;

For every dozen of calves, sheep or hogs, one and one-half cents;

For every horse and rider, or led horse or mule, eight mills;

For every dozen of horses, mules or cattle, eight cents;

And it shall and may be lawful for any toll-gatherer of said company to stop any person riding, leading, or driving, and

horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the gates or turnpikes of said company, until they shall have paid the toll as above specified.

Width of road.

3. *And be it enacted*, That the bridge over the North Shrewsbury River shall be deemed of sufficient width for the purposes of this act, or of the act to which this is a supplement, as the same is now constructed; and that the width of said turnpike road, and of the said branch turnpike road, need not be more than twenty-four feet, and that said company need not grade more than fourteen feet thereof in width to answer the requirements of said act, or of this supplement.

Toll gates to be erected.

4. *And be it enacted*, That it shall and may be lawful for said company to erect and maintain along the lines of said turnpike road, and upon and within the limits of said highways, along which the same are or may be constructed, gates and convenient and proper toll houses for the toll-gatherers along such turnpike roads; and that if at any time the said branch turnpike road hereby authorized to be constructed, shall not be in good traveling condition, according to the requirements of the act or acts respecting the same, the said company shall have the right to collect the said tolls as specified in this act on their main turnpike road.

Penalty for obstructing road.

5. *And be it enacted*, That if any person or persons shall place or cause to be placed any obstruction in or along said turnpike roads that shall interfere with the travel or drains of said turnpike road or roads, every such person or persons shall, for every such offence, forfeit and pay to said company ten dollars, to be recovered in an action of debt, with costs of suit.

Repealed.

6. *And be it enacted*, That so much of the act to which this is a supplement which conflicts with the provisions of this act be and the same is hereby repealed.

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

Approved February 8, 1866.

CHAPTER XXV.

An act in relation to the Public Printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature, the journals of the senate and minutes of the joint meeting, the minutes of the house of assembly, and the legislative documents, shall be printed hereafter in royal octavo form, in accordance with the style in which the work was done in the year eighteen hundred and sixty-five, at the following prices, to wit: for printing three thousand copies of the session laws, the sum of forty dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate with the minutes of the joint meeting, and one thousand copies of the minutes of the house of assembly, the sum of thirty dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press work; for printing one hundred and thirty copies of the public bills ordered by either branch of the legislature, at the rate of five dollars per sheet of four fools-cap pages on good writing paper, with pica type, each page to contain thirty-one lines; for printing the pamphlets and other papers ordered by the legislature, at the rate of one dollar per thousand ems for composition, and one dollar per token of two hundred and fifty impressions of sixteen pages for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rate above stated; *and provided, further*, that one dollar extra shall be paid per page for all indices and tables of contents, set in bourgeois type in the session laws, journals of senate and minutes of house of assembly. Printing regulated. Proviso. Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered excepting folding and stitching, which shall be charged at the current prices for such work; and the paper, which shall be of good quality white printing paper for the documents in octavo form, weighing forty-four pounds to the ream of four hundred and What prices to include.

eighty sheets, twenty-four by thirty-eight inches in size; the bills to be on good foolscap paper, weighing fourteen pounds to the ream, the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York and Philadelphia during the first week in February; for the paper used for the pamphlets and legislative documents and current works ordered by the legislature, at the lowest rates at which the same is sold by paper dealers in said cities during the last week in January; and for the other work at the lowest rates aforesaid at which such paper is sold in said cities during the last week in March of this year; and satisfactory evidence of the price of such papers within the said periods shall be submitted to the comptroller before the allowance by him for any bill for paper on which any public printing has been executed.

Legislative documents.

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

Number of copies to be printed.

Copy to be delivered within thirty days.

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

shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary.

Laws to be delivered within two months.

5. *And be it enacted*, That the printer or printers who are, or hereafter may be appointed to print the laws and proceedings of the legislature of this state, shall within two months after he or they shall have received the copy thereof, deliver to the treasurer of this state the number of copies of the laws and proceedings of the legislature for the time being, as shall be directed by law,

Indices.

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

Proviso.

Auditing of bills.

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

Senate and assembly printer.

8. *And be it enacted*, That Jonathan Vannote, of Trenton, be employed to print the bills and pamphlets ordered by the senate and house of assembly.

Legislative documents.

9. *And be it enacted*, That John F. Babcock, of New Brunswick, be appointed to print one thousand copies of the legislative documents for the current year.

Laws.

10. *And be it enacted*, That Chiswell and Wurts, of Paterson, be employed to print three thousand copies of the laws enacted at the present session of the legislature.

Minutes of assembly.

11. *And be it enacted*, That Augustus S. Barber, of Woodbury, be employed to print one thousand copies of the minutes of the house of assembly for the current year.

Journal of senate.

12. *And be it enacted*, That Franklin F. Patterson, of Salem, be employed to print one thousand copies of the journal of the senate for the current year.

Repealed.

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

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

Approved February 8th, 1866.

CHAPTER XXVI.

An act to incorporate "The United States Casualty Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Noble, Joseph G. Brearley, Benjamin W. Titus, Edward T. Greene and Urial T. Scudder, and others, their associates, successors and assigns, shall be and hereby are ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The United States Casualty Company," to be located at Trenton, in this state, and by that name they and their successors shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, suits, complaints, matters and causes whatever; and that they and their successors may have a common seal and may alter and change the same at pleasure; and also that they and their successors shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation; *provided*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold be only such as shall be requisite for the transaction of the business of the company, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees, which shall have been obtained for such debts, and with regard to all such lands, tenements and hereditaments, so to be held by the said corporation as aforesaid, except such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs and assigns, the corporation shall be bound to sell and dispose of the same respectively, within six years after it shall acquire the same, and shall not be capable of holding the same, after the expiration of six years.

Proviso.

2. *And be it enacted*, That the property and concerns of the said corporation shall be conducted and managed by a board of directors of not less than five or more than thirteen persons, each of whom shall be the owner of at least ten shares of the capital stock of the said corporation; that the election for directors shall be held on the first Monday of March in every year, at the office of the company, or such other place as the board of directors may previously designate, public notice of which shall be given in one or more newspapers printed or circulating in the county of Mercer, at least seven days previous to the time of holding said election, and if any of the directors so elected shall die, refuse to serve, neglect to act or resign their said office, then the remaining directors shall have power to fill such vacancy or vacancies until the next annual election, and in case it should happen that an election for directors shall not be held on the day when pursuant to this act it ought to be held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold an election for directors pursuant to law, and that in all elections for directors every shareholder shall be entitled in person or by proxy to one vote for each and every share of the capital stock then standing in his name on the books of the company. Election of directors.

3. *And be it enacted*, That the said John S. Noble, Joseph G. Brearley, Benjamin W. Titus, Edward T. Greene and Urial T. Scudder, shall be the board of directors for the first year unless others shall be appointed in their place, as provided for in this act. First directors.

4. *And be it enacted*, That the directors shall hold their meetings at such time and place as they shall appoint; that at the first meeting of the directors held after the organization of this company, and that at their first meeting after every succeeding election, the directors shall choose from among themselves a president, and if they deem it necessary, one or more vice presidents, and shall appoint a secretary, which officers shall continue in office until the next annual meeting, and until others shall be appointed in their places. Officers.

5. *And be it enacted*, That it shall be lawful for the said corporation to grant insurances against death and injury to individuals by accident or casualties of every description, in every branch of said business, to carry on all business incident thereto, and to make all and every insurance appertaining to or connected with such risks or casualties. Insurances.

6. *And be it enacted*, That the capital stock of the company Amount of capital stock

shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be personal property, and shall be transferable only on the books of the company, in conformity with its by-laws, and the stock so issued shall be declared and considered as full stock and not liable to any further calls; the directors herein named shall open books for the subscription to the stock, at such time and place as they shall determine.

Securities to be deposited with state treasurer.

7. *And be it enacted*, That before commencing the business of insurance, the said corporation shall invest the whole of its capital stock above mentioned in securities of the United States, or of the state of New Jersey, and shall deposit the same with the treasurer of the state of New Jersey as a guarantee to the parties who may be insured in said company, the interest upon said investments to be collected and paid by the treasurer to the said company.

By-laws and rules.

8. *And be it enacted*, That the board of directors shall make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper for the management of the stock, property, estate and effects of the said corporation, also for the establishing of agencies, and for all such matters as appertain to the business thereof, and shall have power to appoint an actuary and such other additional officers, clerks and servants, either from their own number or otherwise, for carrying on the business of the said corporation, as they may select, with such allowance and compensation as shall appear to them just and proper, and shall and may regulate the premiums to be paid for insurance, and the mode and manner of paying the same; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Proviso.

Dividends.

9. *And be it enacted*, That a semi-annual interest dividend, not to exceed three per cent. may be declared and paid to the stockholders on the capital stock of the corporation, and that ten per cent. of the profits of the business of the company may be declared and paid to the stockholders, and all the remainder of the profits shall be distributed among the policy holders in such manner and at such times as the board of directors shall designate, but a dividend of profits shall be made to policy holders at least once in every five years, and the benefits of the same shall be received only by such persons as shall hold policies which are in force at the time the dividend is made; and the dividend so made and declared may be applied in an equitable manner to the re-

luction of premiums payable to the company during the period which shall elapse between the time in which it is declared and the recurrence of the next succeeding dividend required by this section.

Company may purchase policies.

10. *And be it enacted*, That the board of directors may, for the benefit of the company, purchase all policies of insurance and other obligations issued by the company, and may also extinguish, by purchase, all claims and demands of policy holders for profits declared or accumulating.

Limitations and liabilities.

11. *And be it enacted*, That this act shall take effect immediately, and be subject to the restrictions, limitations and conditions specified in an act entitled "An act concerning corporations," approved February twentieth, eighteen hundred and forty-six, and the several supplements thereto.

Approved February 13, 1866.

CHAPTER XXVII.

An act to authorize the Kensington and New Jersey Ferry Company to establish a steamboat ferry across the Delaware.

Preamble

WHEREAS, by an act of the general assembly of the commonwealth of Pennsylvania, approved the fourth day of May, anno domini eighteen hundred and sixty-four, entitled "An act to incorporate the Kensington and New Jersey Ferry Company," the said company was incorporated with full power and authority to procure, purchase, construct and equip one or more steam ferry boats, and other crafts of such burthen, power, construction and movement, and with such appurtenances, apparel and furniture, as they may deem adequate and proper for the purposes and objects of their charter, and the same to employ in and about ferrying, carrying, and transporting of persons, vehicles, wagons, horses, cattle, swine, goods, wares and merchandise, and other things from the foot of Shackamaxon street wharf, or near it, in the eighteenth ward of the city of Philadelphia, to the state of New Jersey; and whereas, the said company has applied to the legislature of New Jersey for necessary legislation, in order that The Ken-

sington and New Jersey Ferry Company may purchas and hold real estate in New Jersey, and establish the sai steamboat ferry from the foot of Shackamaxon street, o near it, to a point near Cooper's Point, in the state of Ne Jersey; therefore,

Power of directors.

1. BE IT ENACTED *by the Senate and General Assembly of th State of New Jersey*, That authority is hereby given to th board of directors of The Kensington and New Jersey Ferr Company, as provided for by the charter granted by th commonwealth of Pennsylvania, recited in the preamble o this bill; and that the said board of directors shall have power to erect or establish a steamboat ferry company from the foot of Shackamaxon street, or near it, in the city o Philadelphia, state of Pennsylvania, to such place in the city of Camden, at or near Cooper's Point, 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 descriptions and dimensions as the board shall order and direct.

May make contracts.

2. *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 any individual or individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts; *provided*, 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: Every four wheeled carriage, market, or farm wagon drawn by four horses, sixty cents, two horses, thirty cents, one horse twenty-five cents. For carrying hay, straw or other bulky articles, two horse load, fifty cents, one horse load, forty cents, unloaded hay or straw wagon, two horses, thirty cents, one horse twenty-five cents.

Proviso.

Dividends.

3. *And be it enacted*, That the president and directors of said company shall declare and make such dividends of the net profits of their business among the stockholders as they may deem prudent, 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 book accounts and papers of the company if required to do so by any person or persons being stockholders.

4. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved February 15th, 1866.

CHAPTER XXVIII.

A further supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed January twenty-ninth, eighteen hundred and thirty-five.

Preamble. WHEREAS, The said Morris and Essex Railroad Company has made and executed a certain lease and contract unto and with the Atlantic and Great Western Railway Company, a corporation existing by and under the laws of the state of Pennsylvania, bearing date the first day of November, in the year of our Lord one thousand eight hundred and sixty-five, by which lease and contract the road, property and franchises of the said Morris and Essex Railroad Company have been demised and leased unto the said Atlantic and Great Western Railway Company, upon certain terms, conditions and rents in said lease and contract set forth; and whereas, it is deemed advisable and proper that the said lease and contract should receive legislative sanction; therefore,

Contracts confirmed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said lease and contract, and all the provisions, conditions, covenants and agreements therein contained, be, and they are hereby, ratified and confirmed in all things, and the said companies are hereby fully authorized and empowered respectively to carry out and perform the said lease and contract according to the terms, conditions and stipulations thereof; and the said Atlantic and Great Western Railway Company are authorized and empowered to take, hold and use all the rights, property and franchises by said lease and contract demised or leased to them, to work said railroad and all its branches, to construct

and use the branches in said lease and contract agreed to b built in the manner and upon the conditions, in all re spects, and not otherwise, as authorized, directed and im posed, in, and by the charter and supplements thereto, o the said Morris and Essex Railroad Company, and generally to do all things in and by said lease and contract agreed by them to be done, as far as legal authority is necessary to them therefor; and it shall be lawful for the said corpora tions and each of them to make, execute and to deliver to each other any other contracts or legal instruments neces sary or advisable, the more effectually to carry out the gen eral intent of said lease and contract; and the said Atlantic and Great Western Railway Company, by reason of the said lease, should the same go into effect, shall be, and they are hereby declared liable for all claims, debts, damages, and penalties incurred in or arising from the operating of said railroad or branches, and carrying freight and passengers on the same, as fully as the said Morris and Essex Railroad Company are now liable by the laws of this state; and whenever any action shall be commenced against the said Atlantic and Great Western Railway Company in any of the courts of this state, the first process to be made use of may be a summons or subpœna, a copy whereof shall be served on the president, or one or more of the directors, or the superintendent, or on any station agent of said corporation on the line of the said demised railroad or any of its branches, six entire days before its return; and when the sheriff or other officer shall return such summons or subpœna "served" or "summoned" the defendants shall be deemed as appearing in court, and may be proceeded against accordingly; *provided*, nothing contained in this act shall prevent the legislature from having the same control and authority over the property and franchises, leased as aforesaid, that they now have over the Morris and Essex Railroad Company; and a copy of the lease shall be filed in the office of the secretary of state, within thirty days after the passage of this act, also a copy of any alteration or modification within thirty days after such alteration or modification, and provided further, that nothing in this act contained, shall be construed or held to ratify and confirm any conveyance of lands, real estate or water rights, contracts, covenants or agreements made, if any, to with or by the said, The Morris and Essex Railroad Company with the other companies mentioned in said lease and contract, or to with, or by any other companies, person

Liabilities.

Proviso.

or persons, without lawful authority, except so far as the same is authorized and legalized by this act.

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

Approved February 15, 1866.

CHAPTER XXIX.

Supplement to an act entitled "An act to incorporate the New Jersey Steamboat Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of the New Jersey Steamboat Company are hereby authorized and empowered forthwith to increase the capital stock of said corporation in the sum of one hundred thousand dollars, and thereafter from time to time, if they shall deem it expedient to do so, to increase the capital stock still further; *provided*, that the whole amount of said capital stock shall not exceed the sum of two millions of dollars; any portion of the new stock hereby authorized may be made a special preferred stock, at the time of issue, if the board of directors shall so determine. Providing for increase of capital stock. Proviso.

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

Approved February 15, 1866.

CHAPTER XXX.

An act to incorporate the "Trenton Co-operative Benefit Society Number One."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Wood, John Lee, Joseph Firth, John Belfsfird, John Albert, Thomas Whitehead, Samuel Mellor, George Lever, Benjamin Buckley and Thomas Fish, shall be and they are hereby declared to be a Names of corporators.

body politic and corporate, in fact and in law, by the name of "The Trenton Co-operative Benefit Society Number One," for the purpose of dealing in all the necessaries of life, in order to protect the laboring classes from the monopoly of speculators; and for that purpose may hold such real estate as may be needful to carry on said business, or may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the company shall be forty thousand dollars, divided into shares of ten dollars each; and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock, in such place in the city of Trenton as a majority of them may appoint, giving at least five days' notice in at least one of the newspapers published in said city; and as soon as the whole of said stock is subscribed, the said commissioners shall by a like notice call the first meeting of stockholders for the purpose of organizing said company.

First directors.

3. *And be it enacted*, That the business of the said company shall be carried on in the county of Mercer and managed by not less than nine nor more than eleven directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead; and every year thereafter, at such time and place and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy.

By-laws.

4. *And be it enacted*, That the directors of said company shall have power to make by-laws for its government, not inconsistent with the laws of this state or the United States, and may appoint such subordinate officers as the business of the company may require.

Dividends.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal property, and shall be transferred in such manner as the by-laws may prescribe, but no dividends shall at any time be made to the stockholders, except from the net profits of the company.

Capital may be increased

6. *And be it enacted*, That the said corporation may from time to time increase the said capital to any sum not exceeding eighty thousand dollars, giving ten days' notice of their intention so to do, in two of the newspapers printed in Trenton.

7. *And be it enacted*, That regular books of account shall

be kept in the office of said company, in the city of Trenton, to which books every stockholder shall have free access, at all reasonable times, for the purpose of inspection. Books to be kept.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable, and the legislature may at any time hereafter modify or repeal the same. Restrictions and liabilities.

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

Approved February 15, 1866.

CHAPTER XXXI.

An act to incorporate "The Barbour Flax Spinning Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Barbour, Thomas Barbour, John B. Meldrum, George A. Clark, Edwin Saunders and William Gledhill, and such other persons as may hereafter be associated with them shall be and are hereby declared to be a body corporate and politic in fact and in name by the style and title of "The Barbour Flax Spinning Company," and shall be capable of instituting, conducting and defending suits and actions at law and in equity in all respects as natural persons; and that they may manufacture all manner of goods out of linen, silk, cotton and other fibrous materials, and may buy and sell such goods and all the materials and articles needed in the business authorized by this act, and buy or lease and hold such real estate and property as the necessities of the said business shall require, and may dispose of the same at their pleasure. Names of corporators.

2. *And be it enacted*, That the said company shall locate their works at such place in the county of Passaic as they shall deem best. Location of works.

3. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and that the Capital stock.

same may be increased from time to time by the order of the board of directors, but shall at no time exceed seven hundred and fifty thousand dollars; that said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in the city of Paterson as a majority of them shall appoint, giving ten days' previous notice to that effect in one or more of the newspapers published in said city; and when one hundred shares of said stock shall be subscribed for, and ten dollars on each of such shares so subscribed for paid to said commissioners, they shall call a meeting of the subscribers to said stock for the purpose of organizing the company; and when the company is organized said commissioners shall deliver to the president of the company all moneys, books and papers in their hands as such commissioners.

Directors.

5. *And be it enacted*, That the business of said company shall be managed by a board of directors, consisting of not less than five and not more than seven persons, all of whom shall be stockholders; that said board may elect from their number a president, and may also appoint such subordinate officers, superintendents and agents as they may deem necessary; that said directors and their president shall hold their office for one year, and until others are elected in their stead; and that elections for directors shall be held at such time and place, and upon such notice, as the by-laws of the company shall provide.

Shares may be forfeited.

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

Stocks transferable

7. *And be it enacted*, That the said company shall have power to issue stock in payment or in exchange for any goods, wares and merchandise, or for any lands or estate therein, required to be used for and in the conducting of the business of the said company; and that the stock of the said company, shall be transferable in such manner as said

by-laws shall direct, and no transfer shall be valid until the same is duly entered on the books of the company and that no dividends shall be declared except out of the net profits of the company.

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

Approved February 15, 1866.

CHAPTER XXXII.

An act to incorporate "The New Jersey Gold and Silver Mining Company of Montana."

WHEREAS, "The New Jersey Gold and Silver Mining Company of Montana," heretofore incorporated under and by virtue of the provisions of the act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, and certain of the supplements thereto, has been and is now in operation under such incorporation; and whereas, it is deemed desirable that said company should have the advantages of an act of incorporation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The New Jersey Gold and Silver Mining Company of Montana," be and the same is hereby declared to be a body politic and corporate, by that name, by which name said company and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall be capable of proceeding, suing and being sued, pleading, answering and defending in all courts and places, and in all manner of actions and complaints whatever. Corporate name.

2. *And be it enacted*, That the capital stock of said company shall be and continue to be one million and five hundred thousand dollars, divided into shares of twenty-five dollars each; and said company shall have the privilege of increasing the same in shares as aforesaid, to an amount not exceeding two millions of dollars, said increase and all transfers of stock are to be made at such times and in such manner as may be prescribed by the present or future by- Capital stock.

laws of the company, which shares of stock shall be deemed personal property.

Powers of corporation.

3. *And be it enacted*, That said corporation shall be able and capable in law, and have power to take, receive and hold in fee simple, or any less estate or interest in any lands and mineral, or other rights and privileges, with their appurtenances, in the territory of Montana, in addition to the lands, rights, privileges, and their appurtenances, now by them owned in Montana aforesaid, and shall have power to mortgage, sell, convey, lease or otherwise dispose of the lands, rights and privileges with their appurtenances or any part thereof, or interest therein, which they now own or hereafter may acquire, and to retain or reserve rents, royalties, or other interests therein and dispose of the same, and shall have the right to prove and open mines on said lands and work the same, and all mineral lodes or veins therein, and prepare the products of said lands and rights for and transport the same to market, and dispose of the same; also to purchase, have, use and dispose of such machinery, goods, wares, merchandise and personal property, and do such other acts and things, and make all such improvements and erections as a successful prosecution of the business of the company may require; but no part of the capital stock of said company shall be used in banking operations.

Other companies may hold stock.

4. *And be it enacted*, That any incorporated company shall have power to take and hold the capital stock of said company, and the same to sell and transfer, and when holding stock to be represented at the elections and stockholders' meetings of such company, by such person or persons as may be designated by such company holding stock; but an incorporated bank shall not hold stock of the company hereby incorporated, except as collateral, and in such case shall not be entitled to vote therein.

Banks may not hold stock.

Board of directors.

5. *And be it enacted*, That the stock, property and business of said company shall be managed and conducted by a board of fifteen directors, and William Wright, Joseph Booth, C. T. Unangst, John G. Trusdell, John H. Meeker, Watson S. Hedenberg, George W. Frey, Andrew A. Smalley, Thomas McGrath, John A. Boppe, Nathaniel E. Wood, F. H. Gould, William Bellamy, Merrit H. C. Vail and Isaac B. Finley, the present board of directors of said company, shall continue to be the directors of said company until the next annual meeting of the stockholders of said company, and until other directors are elected in their stead; the board of di-

rectors of said company shall have power to fill any vacancy or vacancies in their body until the then next annual election, and the organization of the board then elected; and all directors hereafter elected shall hold office until others are elected and enter upon their duties; within one year after the passage of this act, and annually thereafter, the directors shall be elected from among the stockholders of said company, by ballot, at such times and places, and under such regulations as the by-laws may prescribe; and if for any cause the election of directors shall not take place at the time fixed, it shall be lawful to elect the same at any other time, after two weeks' public notice thereof in a newspaper published in the city of Newark, in this state; and in all elections by the stockholders, each share of stock not held by an incorporated bank shall entitle the holder thereof to one vote, in person or by proxy.

6. *And be it enacted*, That the present officers of said company shall continue to hold their respective offices until others are elected or appointed in their stead.

7. *And be it enacted*, That the officers of said company shall be a president, a vice president, a secretary and general agent, and a treasurer, to be appointed by the board of directors, all of which officers shall be stockholders of the company, and such other officers to be appointed by the board of directors as in their judgment the interests of the company may require. Officers.

8. *And be it enacted*, That the board of directors shall have power to enact all needful by-laws of the company, and the same to alter, amend and repeal; *provided*, that said by-laws shall not be inconsistent with the constitution and laws of this state or of the United States; to adopt and use a common seal, and the same to change, alter or renew at pleasure; the common seal now used by said company to be and continue to be the common seal thereof until changed by the board of directors; and it shall be lawful for the board of directors to forfeit for the use of the company any shares of stock and payments thereon made of any stockholder or stockholders who shall make default in the payment of any instalment at the time the same is payable, notice having been given for two weeks in a public newspaper published in the city of Newark, in this state, of the time and place for the payment thereof, and the directors are authorized to call for the payment of the amount unpaid on any of the stock, in such instalments as they may direct, and to collect Powers of directors. Proviso.

the same by legal proceedings against the stockholders, if they shall see fit so to do, instead of forfeiting the stock.

Offices where to be located.

9. *And be it enacted*, That the directors shall have an office of the company in the said city of Newark, and it shall be lawful for them to have offices out of this state, and for the business of the company to be transacted therein, but the annual election of directors shall be held in said city of Newark.

Previous contracts legalized.

10. *And be it enacted*, That nothing in this act contained shall be held or deemed in any wise to invalidate or injuriously affect any contract heretofore made by or with said company, or any certificate of stock heretofore by them issued, but said contracts and certificates shall be deemed and held to have been made and issued by or with the company whose incorporation is hereby declared.

Corporation liable to tax.

11. *And be it enacted*, That this act shall take effect immediately, and shall be deemed a public act, but the same shall be liable to the tax provided by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight.

Approved February 20th, 1866.

CHAPTER XXXIII.

An act to incorporate "The East Orange Gas Light Company."

Names of corporators.

1. BE IT ENACTED *By the Senate and General Assembly of the State of New Jersey*, That John G. Trusdell, Joseph Booth, Matthias M. Dodd, James Peck and Aaron P. Mitchell, and all persons who may become subscribers according to the mode hereinafter provided, and their successors or assigns, are hereby created a body politic and corporate, in fact and in name, by the name of "The East Orange Gas Light Company," and the said corporation are hereby invested with full power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials and substances, and to purchase from any other company or companies, and sell the same, for the purpose of lighting the streets, alleys, avenues, buildings, and other

places in the township of East Orange and vicinity; *provided*, that the same shall not include the city of Newark, and the town of Orange, and to purchase, hold and convey, all real and personal estate required for the purposes of the corporation. Proviso.

2. *And be it enacted*, That the corporation shall have full power and authority to lay down their gas pipes, and to erect gas posts, burners, lanterns and reflectors in the streets, alleys, lanes, avenues, and other places in the township of East Orange and vicinity; *provided*, that the same shall not include the city of Newark and the town of Orange, and to adopt all proper and necessary means to light all dwellings, stores, and other places situated therein with gas; *provided*, that the public travel shall at no time be unnecessarily impeded thereby. Proviso. Proviso.

3. *And be it enacted*, That the capital stock of the corporation shall be one hundred thousand dollars, with the privilege to increase the same at any time to two hundred thousand dollars, in shares of one hundred dollars each, and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to the capital stock, and they, or a majority of them, may open books for that purpose, at such time or times and in such place or places as they may designate and think proper, and keep the same open as long as they may deem proper, and close the same at their pleasure, and open the same from time to time, and may require each subscriber to pay to them at the time of subscribing such per centage of his subscription as they deem best, and the same to be paid over to the directors of the corporation; and the powers of commissioners shall cease upon the appointment of the directors; and the directors may call on the subscribers for the payment of instalments, in such sums, and at such times, and under such forfeitures as they may deem best and expedient. Amount of capital stock. Commissioners to receive subscriptions.

4. *And be it enacted*, That the business of said company shall be vested in five directors, to be selected from the stockholders, and they shall choose from their own number one who shall act as president; the commissioners, or a majority of them, may convene the stockholders at any time after fifty thousand dollars shall have been subscribed, by notice in one of the daily newspapers circulating in said township of East Orange, at such time and place, either in Newark or East Orange, as they may designate in such notice, to choose the first board of directors, who shall hold Election of directors.

their offices for one year, and until others are elected in their stead, and the election for directors shall be held annually from and after the election of the first board of directors; all vacancies in the board of directors may be filled for the unexpired term by the remaining directors, and all elections for directors shall be by ballot of the stockholders in person or by proxy, allowing one vote for each share which stands in their name on the books of the company at the time of voting; and the persons named in the first section of this act shall be the first board of directors, and until others, as herein provided, are elected in their stead.

First directors.

Corporation not to be dissolved.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not for that cause, nor for any non-user, be dissolved, but such election shall be held in the manner prescribed by the by-laws at any time within one year; and the directors for the time being shall form a board, and a majority of them shall at all times be a quorum for transacting business.

Stock transferable.

6. *And be it enacted*, That the stock of the corporation shall be considered personal property, and shall be transferred according to its by-laws and regulations, and the company shall keep proper books of account, in which shall be fairly and truly entered all the transactions of the company, and shall be opened at all reasonable times to the inspection of the stockholders.

Penalty for injuring works.

7. *And be it enacted*, That if any person shall wilfully injure any conduit, pipe, gasometer, or other thing appertaining to the works of the company, or obstruct the same, the said person so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

Proviso.

May borrow money.

8. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding one-half its capital stock paid in, and to mortgage their works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest not exceeding seven per centum per annum, and may receive property suitable for its purposes at a valuation to be agreed upon, in lieu of cash subscriptions.

Limitation.

9. *And be it enacted*, That the corporation established by this act shall continue in force for fifty years, and shall

possess the general powers and be subject to the restrictions and liabilities imposed by "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable.

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

Approved February 20, 1866.

CHAPTER XXXIV.

An act to incorporate The Bricksburg Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Campbell, Riley A. Brick, Charles A. Stetson, jr., Joseph H. Van Hise and William J. Parmentier, 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, shall be and they are hereby constituted and declared a body politic and corporate, in fact and in law by the name of "The Bricksburg Land and Improvement Company," to be located in the counties of Ocean and Monmouth, with power to establish agencies in such places as the board of directors may designate, for the purpose of buying, selling and improving lands in Monmouth and Ocean counties, building, renting and selling house business, and carrying on the business incident thereto; 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 and hereditaments, and any goods and chattels of whatsoever kind or quality whatsoever, and the said lands, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, mortgage, and dispose of, to sue and be sued, plead and be impleaded, in courts of justice, or in any other place whatever, and to make and use a common seal. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, with power to increase the same to five hundred thousand dollars, Amount of capital stock

and shall be divided into shares of one hundred dollars each; and after fifty thousand dollars shall have been paid in in cash, such company may purchase manufactories, mines, materials 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.

Directors to receive subscriptions.

3. *And be it enacted*, That the subscription book of said stock shall be open at such places in either of the counties of Ocean or Monmouth as the directors shall designate, 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, twenty days' notice of such time and place being first given in one or more newspapers published in said county.

Election of directors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday in January in every year, and that the said directors shall be chosen on the third Monday of December in every year, at such time and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner to be provided for in the by-laws, and the five persons shall be the directors who shall receive the greatest number of votes; and if it shall happen that any vacancies occur in any manner, such vacancy may be filled by the remaining directors or a majority of them at any meeting of the board of directors, until the time when the persons elected at the next election for directors shall take their offices by virtue of said election; and until after those elected at the first election shall enter upon the duties of their office, the following persons shall be directors of the company: Robert Campbell, Riley A. Brick, Charles A. Stetson, jr., Joseph H. Van Hise and William J. Parmentier.

First directors.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said company; and no dividend shall be made to and among the stockholders, except from and out of the profits of the said corporation.

6. *And be it enacted*, That in case it should happen at any

time that an election should not be made on the day on which pursuant to this act it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be directed by the said company. Corporation not dissolved for failure to elect.

7. *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 and kept all the transactions of the said company, which books shall at all times be open to the inspection of the stockholders of the said company, and a correct and full statement of the affairs of said corporation shall be made to the stockholders at their annual meeting for the election of directors hereinbefore provided. Books of account to be kept.

8. *And be it enacted*, 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. Transfered stock to be registered.

9. *And be it enacted*, That this act shall continue in force for a period of fifty years, and shall take effect immediately; but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, amend, or repeal this act, or any part thereof, whenever they shall see proper; and that the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, as far as the same is applicable. Limitation restrictions and liabilities.

Approved February 21, 1866.

CHAPTER XXXV.

A supplement to the act entitled "An act to incorporate the Ivanhoe Manufacturing Company," approved March eleventh, eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the company mentioned in the title of this act be three hundred thousand dollars instead of four hundred and fifty thousand Power to increase capital stock.

dollars, as prescribed in and by the act to which this is a supplement, with the privilege of increasing the same from time to time to any amount not exceeding six hundred thousand dollars, and that so much of said act as is inconsistent herewith be and the same is hereby repealed.

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

Approved February 21, 1866.

CHAPTER XXXVI.

A further supplement to the act entitled "An act respecting Public Schools in the township of Salem, in the county of Salem," approved February twenty-eighth, eighteen hundred and forty-nine.

May raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Salem, in this state, are hereby authorized to raise by tax, at the time and in the manner other taxes are assessed and collected in said city, five hundred dollars in addition to the amount now limited by law, for the use and to be applied for the support of public schools of the city of Salem.

Repealed.

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

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

Approved February 21, 1866.

CHAPTER XXXVII.

An act to incorporate the Beverly Hospital Cemetery Association.

Preamble.

WHEREAS, in the summer of eighteen hundred and sixty-four, the United States government established, in the

town of Beverly, a hospital for the recently wounded and sick soldiers of the army of the Potomac, which was kept in operation until after the close of the war in eighteen hundred and sixty-five; and whereas, during this time, about one hundred and fifty of these soldiers died, and were buried in a lot, presented to the government for that purpose, adjoining the cemetery of the said town of Beverly, which was properly fenced, and each grave marked by a neatly painted board, bearing the name of the soldier, and the regiment and company to which he belonged; and whereas, Catherine L. Van Rensselaer, Susan R. Pugh, Caroline L. Mitchell, Mary A. Askew, Maria L. Binney, Virginia M. Roberts, Elizabeth A. Swann, Katherine Swann, Elizabeth W. Van Rensselaer, Alice C. Van Rensselaer and Josephine Mitchell, benevolent ladies of the neighboring city of Burlington, who had become much interested in visiting the said hospital, and endeavoring to alleviate the sufferings of the brave men collected there, were requested by Doctor Wagner, the surgeon in charge, when he was about to close the hospital, to aid him in getting up an association, with a legal existence, to whom he might, with the sanction of the United States government, deliver the charge of the same; and whereas, the said ladies, after due consideration, concluded to comply with the said surgeon's request, by forming themselves into such an association; now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Catherine L. Van Rensselaer, Susan R. Pugh, Caroline L. Mitchell, Mary A. Askew, Maria L. Binney, Virginia M. Roberts, Elizabeth A. Swann, Katherine Swann, Elizabeth W. Van Rensselaer, Alice C. Van Rensselaer and Josephine Mitchell, residents of the said city of Burlington, in the county of Burlington, in the state of New Jersey, and their successors, shall be and are hereby constituted and appointed a body corporate and politic, by the name and title of the Beverly Hospital Cemetery Association. Corporators.

2. *And be it enacted*, That the said corporation shall have power and authority to make, ordain, establish and alter such constitution, and all such by-laws and regulations as they shall deem proper for the description of the officers of the said corporation and the election of the same; for describing their duties, and the mode of discharging the same; and generally, for transacting, managing and directing the affairs Power to make laws

Proviso. of the said corporation; *provided*, that such constitution and by-laws shall not be inconsistent with the constitution and laws of this state, or of the United States.

3. *And be it enacted*, That the said corporation shall have power and authority to receive from the United States government such lease or conveyance of the said cemetery, as shall be necessary to enable them permanently to control, regulate and keep in good order the said premises.

4. *And be it enacted*, That they shall have power to raise by voluntary contribution, and invest in United States securities, any sum not exceeding three thousand dollars, that they may deem necessary for their purposes, and to expend the yearly interest of the same in paying a gate-keeper for taking constant charge of the said cemetery, under their direction; in keeping up the fences; renewing the headboards to the graves as they become decayed, or substituting stones; and beautifying the grounds, by planting trees and shrubbery, or by such other means as their tastes shall dictate.

May employ a gate keeper.

Not liable to taxation.

5. *And be it enacted*, That all real or personal property which may hereafter be owned or held, by lease or otherwise, by said corporation and used for the purpose of promoting its objects, shall not be liable to have any taxes assessed or levied upon the same, for any purpose or purposes whatever.

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

Approved February 21, 1866.

CHAPTER XXXVIII.

An act to prevent horses, cattle, sheep and swine from running at large in the township of Lower Penn's Neck, in the county of Salem.

Provisions of act extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February

twelfth, eighteen hundred and fifty-two, be and the same are hereby extended to the township of Lower Penn's Neck, in the county of Salem.

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

Approved February 21, 1866.

CHAPTER XXXIX.

An act to incorporate the Great Maple Swamp Draining Company.

Preamble. WHEREAS, Thomas Sinnickson, Martin Patterson, Jonathan Ingham and others, are the several owners and possessors of certain meadow, swamp and marsh, known as the Great Maple Swamp, lying and being in the township of Lower Penn's Neck, in the county of Salem, in this state, so situated that they could not be drained sufficiently without cutting into or through the lands of others; and whereas, application being duly made to Firman Carpenter and Benjamin K. Jenkins, the two chosen freeholders of said township of Lower Penn's Neck, and John Brown and Samuel Lecroy, the two surveyors of the highways of said township, under and by virtue of an act entitled "An act to enable the owners of swamp or meadow ground to drain the same, and to repeal a law heretofore made for that purpose," passed November twenty-fourth, seventeen hundred and ninety-two, and the several supplements thereto, and it was so proceeded on said application that in pursuance of the statutes in such case made and provided, a survey was duly made of said meadow, swamp and marsh; the said freeholders and surveyors having first given due notice of their proceedings, and after reviewing the said premises, also certifying that the said meadow, swamp and marsh are so situated as to require ditches and drains through the lands of the persons therein named, and setting forth the course and direction of said ditches and drains, as in and by their survey and report, bearing date the fourth day of February, Anno Domini eighteen hundred and sixty-five, recorded in the

clerk's office of the county of Salem, in Book E of Banks and Roads, pages one hundred and forty-four to one hundred and fifty-six, inclusive, may more fully appear; and whereas, for the reclaiming and improvement of said large tract of meadow, swamp and marsh, further powers are desired on the part of the owners thereof; therefore,

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Sinnickson, Martin Patterson, Jonathan Ingham, George Peterson, Joseph Shourds, John T. White and others, the several owners and possessors of the land lying within the boundaries of the said Great Maple Swamp, and their successors, as ascertained and set forth in and by said survey, and which will be improved and drained by the ditches and drains therein specified, be and are hereby made and constituted a body politic and corporate, by the name of "The Great Maple Swamp Draining Company," for the purpose of draining and improving said large tract known as aforesaid.

Officers elected.

2. *And be it enacted*, That the said owners and possessors of said swamp lands shall at all meetings of the said company be entitled to vote in person or by proxy at the rate of one vote for every acre held by said owners, respectively; and that the first meeting of said company shall be held on the second Thursday of March next, and so annually every year, when the said company, by a majority of the votes of those present, shall elect two or more managers, not to exceed five, a secretary and treasurer, who shall hold their offices for one year and until others are chosen in their stead; that in failure to meet and elect as aforesaid, the said corporation shall not be dissolved, but a meeting for the said purposes may be called on any subsequent day, by any three of said corporators, notice whereof shall be published for two weeks consecutively in some newspaper printed and published in said county, and circulating in the neighborhood.

Power to build bridges, &c.

3. *And be it enacted*, That the said company shall have power to make such water courses, drains, sluices, bridges, embankments, and other works, as they may deem necessary to effectually drain said swamp; and also to open and cut such drains, ditches and water courses, through any swamp or other lands lying within the bounds of said swamp, or between said swamp and the river Delaware, and shall have the authority to take from lands contiguous to their works, earth and materials necessary for their erection and preser-

vation; *provided*, That the said company shall be liable for any damage done, and for the value of earth and materials taken for the purposes aforesaid, and if the said company or its agents and the owner or owners of land or materials necessary, and both, as aforesaid, cannot agree as to the price or value thereof, the same shall be ascertained and awarded by three disinterested freeholders of the county of Salem, who shall, on six days' notice of such application, be appointed by the court of common pleas of said county, or by any judge thereof, upon application in behalf of said company, who shall meet on such notice as shall be prescribed by said court or judge, who shall be duly sworn or affirmed faithfully to execute the duties of their appointment, and who shall receive the sum of two dollars per diem, each, for the time in which engaged in such duty, whose award, under their hands and seals, in writing, and filed in the clerk's office of the county of Salem, shall bind the parties; *provided, however, further*, that if either party shall be dissatisfied with the decision of said commissioners, he or they may appeal at any time within two months from the making and filing of such award, to the circuit court of the county of Salem, at its then next term, when the said appeal shall be heard and determined, summarily, by the court, or heard before a jury, if demanded by either party; *but provided, further*, that upon payment or tender of the amount found by said commissioners, the said company may enter upon and take such materials required, or dig such ditches and drains as may be necessary. Proviso. Proviso. Proviso.

4. *And be it enacted* That the said company shall have power, at their annual and other meetings, to order to be raised such sum or sums of money as they may deem necessary for the purposes of said company, and for the erection and maintenance of their banks, sluices and other works, and the opening and keeping open of the ditches, drains and watercourses, which may be opened and intended to be maintained at the expense of the said company, and it shall be the duty of the managers of the said company, and they are hereby empowered to assess upon, and collect the same of the several owners or possessors of the meadow, marsh and swamp, within the bounds of said company, according to the quantity and value of the same held by them respectively; such assessments to be set forth and specified in a duplicate made and signed by said managers; and said assessments, so made, shall be payable, by the said owners and posses- Assessments to be made.

sors, respectively, to the treasurer of said company.

5. *And be it enacted*, That if the said owners or possessors shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of twenty days after notice to him or them served personally, or left at their places of abode respectively, or published in any newspaper printed and published in the said county of Salem, and circulating in the neighborhood of said swamp, it shall and may be lawful for the said managers in the name of the said company to recover the amount thereof in action of debt, or otherwise, in any court having cognizance thereof, with interest from the time when the same became payable; that it shall be sufficient in such action to declare for money laid out and expended or for money due on assessment, and to give the assessment or other special matter in evidence, and on proof of the assessment and notice as aforesaid, the court in which such action may be brought shall give judgment for the sum assessed or due, with interest and costs, and for the purposes of pleading and evidence this act shall be deemed a public act.

Proviso

6. *And be it enacted*, That the survey made and recorded as aforesaid is hereby ratified and confirmed; *provided, however*, it shall and may be lawful for the said company and the said managers to change and alter the lines of the water courses therein laid down and specified to conform to boundaries or when otherwise expedient.

7. *And be it enacted*, That special meetings of the said company may at any time be called on one weeks' notice served personally, or left at the residences of the owners or possessors of this company, or published in a newspaper of said county as hereinbefore prescribed, but at such meetings a majority of owners shall be represented to make their proceedings valid.

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

Approved February 22, 1866.

CHAPTER XL.

An act to authorize the Trustees of School District Number Three, of the township of Washington, in the county of Warren, to sell and convey the school house and lot of land in said district.

Preamble. WHEREAS, the trustees of school district number three, of the township of Washington, in the county of Warren, have by their petition represented that they are in possession of certain real estate in said township, consisting of a small lot of land situate at the southwest corner of School street and Washington avenue, in the village of Washington, in said township, with a small, inconvenient and dilapidated building thereon, that a school has been maintained on the premises for more than forty years last past, that they have been informed that said lot of land was conveyed to the inhabitants of said district before it had become incorporated by one William McColough for school purposes, and that the said deed or conveyance has been lost or mislaid and cannot now be found, and that the said trustees are unable to find any record of said conveyance, and that the inhabitants of said school district immediately after receiving said conveyance, erected a small schoolhouse on said lot of land, and have been in the possession thereof and maintained a school therein, ever since they received their deed for said lot, and that because of the increased population of the said district and the necessity for increased accommodations as well as by reason of the unfavorable location and limited size of said lot and building, the premises have become and are entirely unsuitable for school purposes; and whereas, the taxable inhabitants of said district are desirous of selling said school-house and lot and using the proceeds thereof in the establishment of their school in some more convenient and desirable locality; therefore,

Trustees to sell lands. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said trustees of district number three, of the township of Washington, in the county of Warren, and 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, or under the hands and seals of a majority of them in fee simple absolute; the said lot of land with the said building and the appurtenances thereunto belonging, and that the purchaser or purchasers thereof, his, her, or their heirs and assigns shall hold the said lands and appurtenances to his, her, or their own use forever, free and clear, and absolutely discharged from all trusts and conditions whatsoever, upon which the same may have been held as aforesaid.

School to be established.

2. *And be it enacted*, That the money arising from 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 be a public act and take effect immediately.

Approved February 22, 1866.

CHAPTER XLI.

A further supplement to an act entitled "An act to incorporate the Northern Railroad Company of New Jersey," approved February ninth, eighteen hundred and fifty-four.

Rates of freight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of the act entitled "A further supplement to the act entitled 'An act to incorporate the Northern Railroad Company,'" approved March seventeenth, eighteen hundred and sixty-five, as limits the said company to demand and receive not more than nine cents per ton per mile for the transportation of every species of heavy merchandise, shall not apply to less quantities of said heavy merchandise than one ton, and for such less quantities than one ton the said company shall have the right to demand and receive such reasonable rates as shall be fixed by the board of directors of said company.

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

Approved February 22, 1866.

CHAPTER XLII.

An act to authorize and enable the National Land and Mining Company to hold lands and real estate in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the National Land and Mining Company, a corporation of the state of New York, chartered on the sixteenth day of February, in the year eighteen hundred and sixty-five, shall be and said company is hereby authorized and empowered to receive and hold, in fee simple or otherwise, lands, tenements, hereditaments and real estate situate in this state, not exceeding six thousand acres, and to lease, sell, mortgage or otherwise dispose of the interest and estate of said corporation in said lands. Power to hold lands in this state.

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

Approved February 22, 1866.

CHAPTER XLIII.

An act to defray the expenses of Engraving and Printing the Maps accompanying the report made by the Riparian Commissioners to the Legislature of New Jersey, February one, eighteen hundred and sixty-five.

WHEREAS, the commissioners appointed to investigate the rights of the state and of riparian owners to the lands lying under the waters of the Bay of New York and elsewhere in the state, were directed by a resolution of the senate of the state of New Jersey, passed February sixteenth, eighteen hundred and sixty-five, to have the maps accompanying their report to the legislature, engraved and printed for the use of the senate; and whereas, the said work was executed but no appropriation was made by the senate for the expenses thereof; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one thousand and fifty- Appropriation.

one dollars and ninety-eight cents, be and the same is hereby appropriated to pay the expenses incurred under the said resolution; and the treasurer of this state is hereby authorized and directed to pay the said amount to the president of the said commissioners.

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

Approved February 22, 1866.

CHAPTER XLIV.

A supplement to an act entitled "An act to incorporate the Paterson and Newark Railroad Company."

Commencement and terminus 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 Paterson and Newark Railroad Company to construct said road from some suitable point in the city of Paterson to a proper and convenient point in the city of Newark, and to connect the same with other railroads in either place on such terms and conditions as may be agreed upon.

2. *And be it enacted*, That it shall be lawful to lay out, construct and run their railroad along the Passaic river, from the village of Belleville to any point in the city of Newark at or near Governeur street, and to acquire the rights of the shore owners in the manner prescribed in the charter of said company in other cases, and may extend said road over said river; and for that purpose may construct and maintain

Bridges to be built.

a bridge from some convenient point in the city of Newark at or near Governeur street, to a convenient point on the east side of said river in the county of Hudson, and with a draw of the width of sixty feet, to be located at a point convenient for navigation in said river; said bridge shall be constructed with a suitable passage way or walk for the accommodation of persons crossing the river; and the said Paterson and Newark Railroad Company may continue said railroad at the distance of not less than one hundred and fifty feet eastwardly of the river road or highway, and connect the same with any other railroad or railroads on the east side of said river, on such terms as may be agreed to;

and may lay out and construct the same, passing under or over the Morris and Essex Railroad, by a suitable bridge or arched passage way; *provided*, that in passing by the lands of the Mount Pleasant cemetery, the said railroad shall not encroach upon the lands thereof which are used for burial purposes in said cemetery, but the said railroad shall be constructed entirely outside and to the east of the present stone wall embankment of the cemetery grounds and near the line of highwater in said Passaic river, and before entering upon the said lands, the said railroad company shall enter into an agreement with the Mount Pleasant Cemetery Company to construct a suitable stone wall, not less than six feet high on the line between said railroad and the cemetery grounds. Provis'.

3. *And be it enacted*, That in order to connect said road with other road or roads running to the Hudson or to the south or southwest, the said Paterson and Newark Railroad Company may acquire, hold and possess all the lands, rights and property necessary for said railroad, not exceeding one hundred feet in width, in the manner and with the restrictions, powers, privileges, and subject to the remedies provided in the act to which this is a supplement; and may acquire and hold all the lands and real estate on both sides of the Passaic river, in the counties of Essex and Hudson, necessary for depots, turn tables, and the general working and operation of said railroad; *provided*, that the said company shall erect and maintain a depot in the township of Harrison at the river road in the county of Hudson and also in the city of Newark, at which depots all the regular trains of said company shall stop. Proviso.

4. *And be it enacted*, That it shall be the duty of said company to keep or cause to be kept at such bridge a careful person or persons to open said draw for the free passage of vessels; and shall cause to be kept every night during the season of navigation, a light at said draw; and for a neglect to open said draw and keep said light, the said company shall forfeit and pay the sum of fifty dollars, to be recovered, with costs, in any court having jurisdiction thereof, by any person who shall sue for the same within three months from the time of such neglect, but this section shall not be so construed as to prevent any party suffering any damage by any neglect of said company or any of its agents or servants, from recovering the same in any court of competent juris- Damages may be recovered.

diction or upon suit brought against said company for that purpose.

5. *And be it enacted*, That it shall be the duty of said company to erect and maintain gates and to keep a careful and trusty person or persons at the point where said railroad shall cross the turnpike or other road on the east side of said river, to give warning of all approaching trains and of the passage of engines and cars; and for a neglect of this provision, the said company shall be liable to a like penalty for each neglect, recoverable in the same way and in the said time as is provided in the fourth section of this supplement in relation to said drawbridge.

Tax, when to be paid the state.

6. *And be it enacted*, That when the said railroad shall be finished, and the cost of the same ascertained, and the net revenue thereof shall amount to seven per centum per annum upon its cost, the said corporation shall pay the treasurer of this state one-half of one per centum on the capital stock of said road to be paid thereafter on the first Monday of January of each year; and anything in the act to which this is a supplement contrary hereto is repealed; *provided*, that said railroad shall at all times be subject to such other state tax as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws and until the net revenue of said road shall amount to seven per centum per annum upon its cost, said road shall pay one-half of one per centum per annum upon the cost, equipment and appendages of said road; said payment of one-half of one per centum to commence as soon as said road shall be finished.

Proviso.

May increase capital stock.

7. *And be it enacted*, That it shall be lawful for the said Paterson and Newark Railroad Company to increase their capital stock to an amount not exceeding five hundred thousand dollars, whenever the stockholders shall deem the same advisable.

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

Approved February 22, 1866.

CHAPTER XLV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds of said city under their corporate seal and the signature of said mayor, for an amount not exceeding four hundred and fifty thousand dollars, 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 thirty years from the date thereof, pledging the credit and the whole property of the said city for the payment of the same; which bonds it shall be lawful for the said mayor and common council to sell at private or public sale as the proceeds of the same may be needed, for the best price they can obtain for the same, and to apply the net proceeds of the sale thereof to the payment of the existing floating debt of said city, and for no other purpose whatever; *provided*, that if at the close of the present fiscal year any of said bonds shall remain unsold or any part of the proceeds thereof shall remain unappropriated, all authority to issue or sell said bonds shall cease, and the balance of said unappropriated proceeds shall be paid over to the commissioners of the sinking fund hereinafter mentioned and added by them to the said fund.

May issue bonds.

Proviso.

2. *And be it enacted*, That the said common council shall provide by a special tax for the payment of the interest upon the debt created under and by virtue hereof, and also upon the debt of thirty thousand dollars created under and by virtue of the act entitled "An act to authorize the mayor and common council of the city of Newark to borrow a sum of money not exceeding in the whole thirty thousand dollars, for permanent improvement," approved March twenty-fourth, eighteen hundred and sixty-three, and shall also create a sinking fund for the redemption and payment of the same, and for that purpose shall assess a special tax which will produce an amount equal to three per centum upon the total amount of said debts; all the provisions of

Special tax.

Shall create a sinking fund.

the sixth, seventh, eighth, ninth and tenth sections of the act entitled "An act to authorize the city of Newark to guarantee and assume the payment of certain bonds of the county of Essex, and to issue bonds to an amount not exceeding twenty-five thousand dollars for volunteer aid bonds, and three hundred thousand dollars for war bounty bonds," approved March thirty-one, eighteen hundred and sixty-four, are hereby declared to be a part of this act so far as the same can be made applicable hereto; and the mode of raising the said tax, and the care and management of the said fund shall be in all respects the same as is therein provided.

Bonds to be countersigned.

3. *And be it enacted*, That each of the bonds or obligations hereafter issued by the common council under the authority to make temporary loans in anticipation of city taxes and assessments conferred by the thirty-fifth section of the act to which this is a supplement be countersigned by the auditor of accounts of said city and shall have legibly written or stamped upon its face, the words: "Issued in anticipation of taxes for the year ," designating the year in which they are levied, or, "Issued in anticipation of assessments for the year ," designating the year in which the work or improvement for which said assessment is to be made, was ordered to be done, and in no case shall such bonds be issued to a greater amount than the amount of the unpaid taxes or assessments for the said year.

Auditor to make statement to common council

4. *And be it enacted*, That the auditor of accounts of said city shall, at each regular monthly meeting of the common council present a statement of all unpaid taxes and of all unpaid assessments, designating them by years as aforesaid, and of the bonds or temporary loans severally outstanding in anticipation of the same; if the city treasurer shall sign a temporary loan bond in anticipation of taxes or assessments, or the auditor shall countersign the same, for an amount which shall exceed the limit herein designated, they shall severally be deemed guilty of malfeasance in office.

Auditor to make balance sheet.

5. *And be it enacted*, That the city auditor shall present to the common council at each of their regular monthly meetings a full trial balance sheet from his ledger for the preceding month, and the city treasurer shall also present at each of said meetings of the common council a balance sheet of the cash transactions of the city for said month, both which reports the common council shall cause to be published in the corporation newspapers.

6. *And be it enacted*, That it shall be the duty of the

auditor of accounts of said city, as soon as the total amount of the moneys designated in the tax ordinance and raised by tax for any specific object or purpose in any year shall be expended or appropriated, by any ordinance or resolution of the common council, immediately to notify the mayor, the city clerk and treasurer and the common council thereof; and no further or other appropriation shall be made nor ordinance or resolution passed which shall involve the expenditure of money during the said year, for any of the said objects or purposes, except by a vote of two-thirds of the members of the common council; if any warrant drawn upon the city treasurer shall be presented to the auditor for such an amount as will exceed the appropriation in the tax ordinance of that year for any specific object or purpose, he shall refuse to countersign the same and shall immediately give the notifications above mentioned, and any officer who shall wilfully approve, sign, certify or countersign any warrant or other instrument for any sum which shall exceed the said appropriation after the said notification, except the same shall have been passed by a vote of two-thirds of the common council as aforesaid, and any alderman who shall order any work, involving the expenditure of money, to be done for said city, after such notification to the common council as aforesaid, shall be severally deemed guilty of malfeasance in office; no suit, action or proceedings at law or in equity shall be brought against said city to recover any debt contracted or compensation for, or in respect of any work done or authorized to be done or damages for violation of any contract made contrary to the provisions of this section until after the first day of the month of July in the year next succeeding that in which the said debt was contracted or said contract made.

When guilty of malfeasance in office

7. *And be it enacted*, That it shall be the duty of the treasurer of said city, immediately after the close of each fiscal year, to prepare a statement in detail of the receipts into the treasury for the preceding year, stating the particular sources from whence derived, and also of the expenditures, and to what objects particularly appropriated, and to whom paid; also, a statement showing under general heads the indebtedness of the city, and the available assets of the city for its liquidation, which statements shall be examined by the finance committee of the common council, and after having been examined and certified by them, shall be presented to the common council at or before its first meeting in the

Duties of city treasurer.

month of February, then next ensuing, and which shall be published by them in pamphlet form for public distribution.

8. *And be it enacted*, That so much of the third section of the act entitled "An act to confirm certain debts and liabilities incurred by the board of chosen freeholders of the county of Essex, in raising money for purposes incident to the war, and authorizing them to raise bonds," approved February twenty-fourth, eighteen hundred and sixty-four, and so much of the fourth section of the act entitled "An act to authorize the city of Newark to guarantee and assume the payment of certain bonds of the county of Essex, and to issue bonds to an amount not exceeding twenty-five thousand dollars for volunteer aid bonds, and three hundred thousand dollars for war bounty bonds," approved March thirty-first, eighteen hundred and sixty-four, as authorizes and directs the mayor and common council of the city of Newark to guarantee and assume the payment of certain bonds of the county of Essex therein mentioned, and to raise by tax certain moneys for paying the interest on the same, and for creating a sinking fund for the redemption of the same, are severally hereby repealed, and the liability of the city of Newark for its proportion of the debt of the county of Essex, shall be in all respects the same as if those sections of said acts had not been passed; *provided*, that the liability of the city of Newark under any endorsement or guarantee of said bonds which may have been already made, shall not be destroyed or affected by this act, and the liability of said city for its proportion of the debt of said county shall be ascertained and enforced in the same manner already provided by law in the case of the other cities, towns and townships of said county; the moneys already raised by tax by said city as a sinking fund for the redemption of said bonds shall be merged by the commissioners of said fund into their general fund, and the amount already paid by said city for interest on said bonds shall be, if not already done, equitably adjusted by and between the said common council and the board of chosen freeholders of the county of Essex.

Repealer.

Proviso

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

Repealer.

Approved February 22, 1866.

CHAPTER XLVI.

An act to incorporate the Ocean Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Haight, Phillip J. Ryall, William H. Conover, Jr., Samuel S. Wyckoff, Dr. Edwin Lewis, Clinton Rice, Charles T. Fleming, George W. Patterson and John Mount, 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 law, by the name of "The Ocean Hotel Company," and by that name shall have power to lease, purchase and hold real estate at or near Long Branch, in the township of Ocean, county of Monmouth and state of New Jersey, and to erect and maintain a hotel and other buildings and improvements thereon, or upon any part thereof, for the accommodation of the public; and to mortgage said real estate, with the appurtenances or any part thereof, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, holding or mortgaging, of said premises, or otherwise controlling or disposing of the same. Corporators.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of fifty thousand dollars, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding one hundred thousand dollars, which capital stock shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the said stockholders, which vote may be given either in person or by proxy. Capital.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such places and times in said county of Monmouth as a majority of them may appoint, giving previous notice thereof in a newspaper published in said county for two weeks, at least once in each week, and as soon as twenty thousand dollars of the said capital stock is subscribed, the said commissioners, or a ma- Commissioners.

jority, shall call a meeting of the stockholders for the purpose of organizing said corporation and electing directors, by giving each stockholder a written or printed notice at least five days previous to said meeting; and the remainder of the stock shall be disposed of under the direction of the directors of said corporation or a majority of them.

Directors.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, and shall be five in number, who shall hold office until others are duly elected and qualified in their stead. And in case of a vacancy in the board of directors by death, resignation or otherwise, a majority of the remaining directors shall have power to fill such vacancy. And any election or elections of directors after the first election aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide.

Debt, may owe.

5. *And be it enacted*, That the whole amount of the debt which the said corporation shall at any one time owe, shall not exceed the amount of the capital stock subscribed for.

6. *And be it enacted*, That this act shall take effect immediately, and may be altered, modified or repealed by the legislature at any time, if the public good shall so require.

Approved February 22, 1866.

CHAPTER XLVII.

An act to authorize the raising of money in the township of Ocean, in the county of Monmouth, to reimburse certain persons for moneys advanced by them towards filling the quota of troops assigned to said township, under the call of March, eighteen hundred and sixty-four.

Preamble.

WHEREAS, certain persons in said township of Ocean, enrolled and liable to draft under said call for troops, did pay and advance certain moneys for the purpose of procuring exemption for themselves, and also for the furnishing of substitutes, by means of which said payment of exemption money, and furnishing of substitutes, the quota of said township under said call was reduced; and whereas, all other quotas of said township, and a portion of this, have

been filled by a tax upon the inhabitants of said township; therefore,

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 township committee of the township of Ocean aforesaid, and they are hereby authorized, empowered and directed to issue bonds, in the name and upon the credit of said township, for the payment of three hundred dollars to each and every person producing to said committee a duly authenticated certificate from the proper authorities that they paid commutation money or furnished a substitute under said call of March, anno domini eighteen hundred and sixty-four, as aforesaid, said bonds to be for the sum of one hundred and fifty dollars each, and to be dated April first, anno domini, eighteen hundred and sixty-six, and to be payable in one and two years respectively from the date thereof, with interest. May issue bonds.

2. *And be it enacted*, That it shall be lawful, and the assessor is hereby required and directed to assess, at the same time and in the same manner that the other taxes of said township may be assessed, and in addition thereto, in the year next preceding the maturity of said bonds respectively, a sum sufficient to liquidate the same and the interest due thereon, and deliver the assessment thereof to the collector of said township, which said sum of money so assessed shall be levied and collected by the same officer or officers, in the same manner and at the same time, and under like fines and penalties, as the other township taxes are at that time levied and collected. Interest, how collected.

3. *And be it enacted*, That said officer or officers so collecting said moneys shall immediately pay the same, when collected, to the holder of said bonds, to satisfy the principal and interest due on the same. Money to be paid over.

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

Approved February 22, 1866.

CHAPTER XLVIII.

An act to incorporate the Swedesboro Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua S. Thompson, Joseph L. Reeves, Samuel J. Bayard, John R. Sickler, Samuel Black, David B. Gill, Aaron M. Wilkins, James L. Plummer, Matthew Gill, Richard F. Springer, Edwin Craft, Israel Elberson and Richard M. Ware, 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 "Swedesboro Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient for the object of this corporation.

Amount of capital stock

2. *And be it enacted*, That the amount of capital stock of said company shall be one hundred and fifty thousand dollars, with liberty to increase the same to three hundred thousand, 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.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they or a majority of them may think proper, giving at least twenty days' notice of the same in a newspaper published in the county of Gloucester; 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 fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first elec-

tion of directors of the said incorporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books and 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 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. Election of directors

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 in the manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others have been chosen in their places. Not dissolved for failure to elect.

5. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such instalments and at such times as they may direct; and in case of the nonpayment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects, of the said corporation, and 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 also to the president, as to the said board shall appear proper. Payment of installments

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 expe- May construct railroad track.

dient to survey, lay out and construct a railroad from some suitable point at or near the village of Swedesboro, in the county of Gloucester, to intersect the West Jersey railroad, at or near Woodbury or Carpenter's Landing in said county, 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, surveying, leveling or laying out the route of such railroad and 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 the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by the legal incapacity of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice

thereof, to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess and enjoy the said land or materials or of the said owner or owners to recover the amount of said valuation, with interest and 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 com-

pany in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable or just, which shall be paid by the company; *provided always*, that should the said company or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may lie.

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In case of appeal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court, full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be held, and the said issue to be tried at the next term of said court, to be holden in the said county upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, the judgment thereon with costs, shall be entered against the said company and execution awarded therefor; but if said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or per-

Proviso.

sons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse upon tender thereof being made to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; *and further*, that if the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Bridges to be erected.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle along the said road shall not be obstructed, and likewise when the said railroad shall intersect any farm or lands of any individuals, to provide and keep in repair suitable and convenient wagon ways over or under said road.

May purchase and hold lands, &c.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termination of their railroad, and at any intermediate depot upon the line of the same, at each place so much as may be strictly necessary for their convenience and use, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses, and take and receive the rents, profits emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the bene-

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Proviso. fits conferred by this act; *provided*, the said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

Dividends. 11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said railroad.

Rates of transportation. 12. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or other vehicles for the transportation of persons or any species of property on the railroad as

Proviso. they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of four cents per mile for carrying each passenger on said railroad, or at the rate of six cents per ton per mile for the transportation thereon of every species of merchandise, produce, property and freight, excepting freight of less weight than one ton.

May make contracts. 13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals for transporting or conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Penalty for injuring works. 14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of said railroad enjoyed under the provisions of this act, or of any of its 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.

Statement of costs to be filed. 15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation, a statement of the amount of the costs of said road, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road.

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 said company, and to secure the payment 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*, 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. Power to borrow money. Proviso.

17. *And be it enacted*, That after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January of each year, and such other tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; *provided*, that no other tax or impost shall be levied or assessed upon said company. Tax to be paid. Proviso.

18. *And be it enacted*, That the West Jersey Railroad Company be and they are hereby authorized to endorse the bonds of the "Swedesboro Railroad Company," and to subscribe for and take any amount they may choose, of the capital stock to be issued by said company, and be entitled to all the powers and privileges of stockholders of said company. Bonds endorsed.

19 *And be it enacted*, That if the said railroad shall not be commenced within five years, and be completed at the expiration of ten years from the passage of this act, that then and in that case this act shall be void. Limitation.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, also the superintendent of public schools, shall pass and re-pass on the railroad of said company in their cars free of charge. Who may ride free.

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

Approved February 23, 1866.

CHAPTER XLIX.

An act to incorporate the Socialer Turnverein of Trenton, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Phillip Arnold, John Yetter, William Pipple, Augustus W. Faust, Andrew Metzler, Jacob Klemmer, Frederick H. Endebrock and Conrad Horne, and such other persons as now are or hereafter shall become members of "The Socialer Turnverein of Trenton, New Jersey," are hereby constituted a body corporate, by the name aforesaid.

Object.

2. *And be it enacted*, That the object of this society shall be the improvement of mental, physical and corporeal education.

Rules and by-laws

3. *And be it enacted*, That the said corporation shall have power to prescribe rules and by-laws for the admission and expulsion of its members, and for the election, time of service and duties of its officers.

May purchase real estate;

4. *And be it enacted*, That said corporation may purchase and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed eight thousand dollars.

Liabilities and restrictions.

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

Approved February 23, 1866.

CHAPTER L.

An act to incorporate the Masonic Hall Association of Jersey City.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Sheville, Alexander Wilson,

Richard A. Wood, A. G. Gilkyson, W. W. Snow, H. M. Funston, William H. Page, George E. Cutter, Marcus Higgenbotham, J. W. Cosad, Jacob Ringle, and their associates, Free and and Accepted Masons of the state of New Jersey, and their successors, be and the same are hereby declared to be a body politic and corporate in law, by the name, style and title of "The Masonic Hall Association of Jersey City," and by that name they and their successors may at all times hereafter be able to sue and be sued, plead and be impleaded, and to have full power to collect any debts which may hereafter become due or owing to the said association in any court of law or equity or elsewhere.

May purchase and hold lands.

2. *And be it enacted*, That the said corporation shall and may at all times hereafter be capable of having, holding, purchasing and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; *provided, always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of one hundred thousand dollars.

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President.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a president, vice president, treasurer, secretary, and seven trustees, who, together, shall constitute and compose the board of directors, and shall be elected annually, at such time and in such manner as the said corporation shall by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

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4. *And be it enacted*, That the said association or corporation shall have a common seal, with power, at their pleasure, to change, alter and renew the same.

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

Approved February 23, 1866.

CHAPTER LI.

An act to authorize the trustees of the Methodist Episcopal Church of Long Branch to sell and convey their present church property.

Preamble.

WHEREAS, the trustees and members of the Methodist Episcopal Church at Long Branch, in the county of Monmouth, have purchased a lot of land and commenced the erection of a new house of worship, and have conditionally negotiated for the sale of the old property; therefore,

Power to sell.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Maps, Moses Hampton, Tucker Woolley, Samuel W. Wardell, John Slocum, Henry Styles and Richard West, 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 (known as the Long Branch Village Church) and land whereon the same is situate, held by them as trustees, and after paying expenses of sale to apply the proceeds of said sale to the purchase of another lot of land and the erection of a new church thereon.

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

Approved February 23, 1866.

CHAPTER LII.

A supplement to an act entitled "An act to incorporate the Passaic Thread Company."

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, and it is hereby enacted by authority of the same, That the corporate name of the Passaic Thread Company be and the same is hereby changed, and that hereafter said corporation shall be called and known by the name of "The Clark Thread Company."

2. *And be it enacted*, That said corporation shall have power, in addition to the powers already conferred upon them, to import, purchase and sell, as well as manufacture spool sewing cotton, yarns, and other products of a similar nature. Additional powers.

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

Approved February 23, 1866.

CHAPTER LIII.

An act to incorporate The Pequest and Walkill Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Rutherford, Thomas Lawrence, James B Titman, Paul Angle, William M. Iliff, John H. Brown, John I. Blair, David Hynard, Simon A. Cummins, Richard E. Edsall and Charles C. Scranton, and such other persons as may be associated with them, shall be and are hereby declared to be a body corporate and politic in fact and in law, by the name of "The Pequest and Walkill Railroad Company," and as such shall be capable of leasing, purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this association. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of the said company shall be one million of dollars, with liberty to increase the same to three millions of dollars, and shall be divided into shares of one hundred dollars each, to be deemed personal property, and transferable in such manner as the said company shall by their by-laws direct. Amount of capital stock

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation at such time or times, and place or places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in four of the newspapers published in this state, one of which shall be published in the county of Sussex, and another in the county of Warren, and that at Commissioners to receive subscriptions.

the time of subscribing five per centum shall be paid for each share subscribed to the commissioners, or some one of them, and as soon as three hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose nine directors, stockholders of the company, 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 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 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, 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 powers and functions as the by-laws of the said corporation shall provide.

Election of directors.

Not dissolved for 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 made or 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.

Payment of installments

5. *And be it enacted*, That five directors of the 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 corporation or company by such instalments and at such times as they may direct; *provided*, that no instalments shall be called in for more than ten dollars at any one time

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or within twenty days of the previous one, and no instalments shall be demanded without at least two weeks previous notice of the time and place of payment, to be inserted in a newspaper published in the county of Sussex, and a newspaper published in the county of Warren, and in case of the nonpayment of said instalments or any one of them, to forfeit the share or shares, upon which such default shall arise and to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulations of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, clerks servants as to them shall seem meet, and to fix and establish such salaries to them, and also the president as to the said board shall appear proper.

May construct railroad track.

6. *And be it enacted*, That the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the Delaware river or any point on the Warren railroad, in the county of Warren, through the Pequest and Walkill Valleys in the counties of Warren and Sussex, to the boundary line between this state and the state of New York, at or near the village of New Milford with such spurs and branches as may be necessary to afford access to mines in the counties of Sussex and Warren subject to the restrictions herein contained, and said railroad may be in three divisions, that is, one division from the termination at the Warren railroad to the Sussex railroad at Andover. and one division extending from Andover to or near Hamburgh, also in the county of Sussex, and one division from that point to or near New Milford, at the state boundary line aforesaid; *provided*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case, so much land as will be necessary for the purpose, and as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said company, their agents, engineers and superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route of said railroad and of locating the same, and to make and erect all

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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 the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors or workmen, and others in their employ, to enter upon, take possession of, have, hold, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and do all other things which shall be necessary or suitable for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, shall be made before the said company, or any person under their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying of said road, unless the consent of the owner or owners of such land be first had and obtained; *provided, further*, that neither the railroad hereby authorized, nor any part or division thereof, shall be held, deemed or taken to be a part or branch of the Sussex Mine Railroad Company.

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Proceedings when company and owners cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said railroad shall be given in writing, under the oath or affirmation of some engineer, or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state who shall cause the said company to give notice thereof to the parties interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct for any term not less than ten days and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judi-

cious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners, to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person authorized to administer the same, faithfully and impartially, to examine the matter in question and to make a true report, according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad, as the case may be, to the said owner or owners and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time constitute a lien upon the property of the company in the nature of a mortgage, and the said justice of the supreme court, shall, upon the application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as they or he shall think equitable and right, which shall be paid by the company; *provided, always*, that Proviso.

should the said company or owner or owners of any of the land or materials feel himself or themselves aggrieved by the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

Proceedings in case of disability.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and view the premises to be had, and said issue to be tried at the next term of said court to be holden in the said county upon the like notice, and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefor, but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever, shall said company enter upon, or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages; in case the report of the commissioners is not appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties en-

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titled to receive the amounts assessed by the commissioners, or found by the jury, shall refuse upon tender thereof being made or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the lands lie, shall be deemed a valid and legal payment, and further, that the party or parties entitled to receive the amount assessed by the commissioners may upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of the commissioners.

Bridges to be erected.

9. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle across the said road shall not be obstructed and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon-ways over or under said railroad, and also to build and keep in repair a good and sufficient fence on each side of said railroad unless a bargain is made with the owner or owners of the land through which the said railroad passes, that they will build and keep in repair the fence, and also the said railroad company to build and keep in order suitable cattle guards in all necessary places.

May purchase and hold lands, &c.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad and at any intermediate station upon the line of the same not exceeding five acres at each place, and may erect and build thereon, houses, warehouses, stables, machine-shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such creeks or streams as the said railroad may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Rates of transportation.

11. *And be it enacted*, That the said company shall have the power to have constructed or to purchase with funds of the company and to place on the said railroad all machinery, engines, cars, wagons, carriages or vehicles for the transpor-

tation of persons or any species of property whatsoever, thereon, or on any railroad connected with as they may from time to time think fit; *provided*, that they shall not charge more than at the rate of six cents per mile, per ton, for the transportation of property on the said road or six cents per mile for carrying each passenger on said railroad in the carriages of the company or three cents per mile for each ton of property transported or three cents per mile for each passenger carried on said railroad in the carriages of others, and three cents per mile for each empty carriage.

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Dividends.

12. *And be it enacted*, That the said company shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said railroad.

May make contracts.

13. *And be it enacted* That it shall be lawful for the said company to cross any other railroad on the route of their said road conforming to the grades of said road, and also to connect with the Warren railroad at or near Oxford Furnace, in the county of Warren or with the Sussex railaoad at Andover, or with any railroad in this state or the state of New York, at the termination at or near the village of New Milford and during the continuance of its charter to make such contracts and engagements with any other corporation or with individuals for transporting or conveying any kind of goods, produce, merchandise, freight, property or passengers, and to enforce the fulfilment of such contracts.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad or any part of the railroad enjoyed under the provisions of this act or any of the wharves, works, bridges, carriages or machines of the said corporation, 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.

15. *And be it enacted*, That when either of the divisions of said railroad mentioned in the sixth section of this act shall be completed the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

Statement of costs to be filed.

16. *And be it enacted*, That as soon as the said railroad with its appendages shall be finished so as to be used, the president and treasurer of said company shall file under oath or

affirmation, a statement of the amount of the costs of said road, including all expenses and the amount of all purchases, made by virtue of this act in the office of the secretary of this state, and annually thereafter the president and treasurer of said company shall under oath or affirmation make a statement to the legislature of this state of the proceeds of said road, and the treasurer of said company shall under oath or affirmation make an annual return to the treasurer of this state of the number of passengers and the number of tons of merchandise transported thereon.

Tax to be paid.

17. *And be it enacted*, That as soon as the said road shall be in operation the said company 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 thereafter on or before the first Wednesday of January in each year; *provided*, that said railroad shall at all times be subject to such other tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws.

Proviso.

Power to borrow money.

18. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair their road and furnish all necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage, or otherwise, on the said road, lands, privileges, franchises, depots, cars, appurtenances of or belonging to said corporation, at a rate of interest not to exceed seven per centum per annum, and it shall not be lawful to plead usury on their bonds or other securities sold by them at such prices as at the time they thought best for the interest of the company to get, but that said securities shall be good at all times against said company for their face value.

Limitation.

19. *And be it enacted*, That if the said railroad shall not be commenced within three years, and one division thereof as hereinbefore described completed within five years, and the other divisions completed within ten years from the fourth day of July next, that then this act shall be void.

Who may ride free.

20. *And be it enacted*, That the governor, chancellor, justices of the supreme court, judges of the court of errors and appeals, and members and officers of the legislature of this state, shall pass and repass on said railroad free of charge.

Approved February 23, 1866.

CHAPTER LIV.

An act to incorporate the City of Millville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Cumberland known as the township of Millville is hereby incorporated into a city, to be called the city of Millville.

Wards.

2. *And be it enacted*, That the said city shall be divided into three wards, in manner following, to wit: all that part of the township of Millville, lying south of the Bridgeton and Millville turnpike, on the west side of Maurice river, and all that part on the east side of said river lying south of Main street and the Leaming mill road, shall constitute the first ward of said city; and all that part of the said township lying within the following bounds, viz: beginning at the intersection of Main and Buck or Front streets, and running thence along the centre of Buck or Front streets, until it intersects the centre of Cinder street, thence eastwardly along the centre of Cinder street to the centre of the Millville and Glassboro' railroad, thence northwardly along the centre of said railroad until it intersects the boundary line of Landis township, thence along the boundary line of Landis township until it intersects the Leaming mill road, thence along the centre of Leaming mill road and Main street to the place of beginning, shall constitute the second ward of said city; and all that part of the township of Millville not included within the bounds of the said first and second wards, shall constitute the third ward of said city.

City officers.

3. *And be it enacted*, That for the better order and government of the said city of Millville, there shall be elected hereafter in said city one mayor, who shall be keeper of the city seal, and hold his office for one year, and at the first election for city officers six common councilmen (two of whom shall hold their offices for one year, two for two years, and two for three years, and at the first meeting of the common council after said election it shall be determined by lot which of the members thereof shall hold their office for one year, which for two and which for three years,) and annually thereafter there shall be elected two persons as members of said council, who shall hold their office respectively for

three years; which mayor and common councilmen shall be one body corporate and politic in deed, fact, name and law, by the name, style and title of the "Mayor and Common Council of the City of Millville."

Council.

4. *And be it enacted*, That the ward officers shall be for each ward, two common councilmen, two chosen freeholders, two trustees of public schools, two overseers of the poor, one assessor and one collector, two surveyors of the highways, three commissioners of appeal in cases of taxation, three judges of election, and one or more poundkeepers, one constable and a clerk, who shall be clerk of election, and perform all the duties required by law of clerks of townships, not inconsistent with the provisions of this act.

Election.

5. *And be it enacted*, That the city election shall be held by ballot, on the second Tuesday of March, anno domini eighteen hundred and sixty-six, and on the second Tuesday of March in every succeeding year thereafter, between the hours of eight in the morning and seven in the evening, at such place in each ward as the common council shall appoint, of which places the said common council shall cause notices to be published in one or more newspapers printed and circulated in the said city, and by notices either printed or written, signed by the clerks of the several wards, and set up in three of the most public places in each ward of said city at least two weeks before the day of election (and in default of such notice the election shall be held at the place where the last general election was held,) at which election one mayor, six councilmen, one city recorder or clerk, one marshal, one city treasurer, one city solicitor and one school superintendent, shall be chosen and elected in said city from among the citizens residing therein and entitled to vote at such election, and annually thereafter on the second Tuesday of March, and the common council, who shall be elected as hereinbefore provided, but no person shall be elected or serve as mayor or common councilman of said city unless he shall have resided in said city at least one year immediately preceding said election.

Meeting of council.

6. *And be it enacted*, That the mayor and common councilmen of said city shall constitute the common council thereof, and shall hold an annual meeting therein on the fourth Tuesday of March, yearly and every year, and such other meetings as they shall by ordinance direct and appoint; the mayor shall preside at said meeting and shall have a vote only in such cases where there is a tie; and if the mayor be

absent at any meeting, then the councilmen shall appoint one of their number to preside pro tempore; and when met, said common council shall have power to make and adopt such rules, by-laws and regulations, and in general to do and perform all such other acts and things as provided for and warranted by this act, and that four members shall constitute a quorum of said council; and it shall be the duty of the mayor, when necessary, to call special meetings of said common council and in case of his neglect or refusal, then it shall be lawful for any four members of said common council, at such time and place as they may designate, to call any special meeting or meetings, by written or printed notices, and in all cases of special meetings, notice shall be given to all the members of the said board of common council, in person, or left at their place of residence.

Elections, time of holding.

7. *And be it enacted*, That the poll of all elections under this act, shall be opened at eight o'clock in the forenoon, and close at seven o'clock in the evening, and the same qualifications shall be required to entitle persons to vote as are or may be required at the township elections in this state, and the name of each elector voting at such election shall be written on the poll list by the ward clerk, and after the poll shall be closed, the election board shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office, and the persons having the greatest number of votes shall be deemed to be elected for the offices for which they shall be voted for, respectively, and shall hold their offices for one year, and until others are elected in their stead and sworn into office, excepting the common council as hereinbefore provided for; and the first election for such officers, to be held on the second Tuesday of March, anno domini eighteen hundred and sixty-six, shall be held in the first ward, by and under the direction of Isaac B. Mulford, Nathaniel Stratton and Jacob Johnson, residents of said city, or a majority or the survivor of them; in the second ward, by and under the direction of Stephen A. Garrison, Furman L. Mulford, and Aaron Westcott, residents of said city, or a majority or the survivor of them; and in the third ward, by and under the direction of George R. Green, John McNeal and George W. Thomas, residents of said city, or a majority or the survivor of them; who are hereby appointed commissioners for that purpose, and who, or a majority or the survivor of whom

Commissioners.

shall, for their respective wards, designate the place in their respective wards for holding such election, and give such notice thereof as is before prescribed in this section, said notices to be signed by said commissioners; the said commissioners in each ward are hereby authorized to appoint some proper person clerk of such election, and they and said clerk so by them appointed shall conduct such election and certify the result in all respects as herein prescribed by the regulations of subsequent elections, so far as may be.

Vacancies how filled.

8. *And be it enacted*, That in case a vacancy shall occur in any of the offices mentioned in the preceding section, by refusal to serve, by death, or for any other cause whatever, it shall and may be lawful for the common council to fill said vacancies until the next annual election; and the person or persons appointed to fill such vacancies shall be entitled to the like compensation, and be subject to the same responsibilities and penalties, as if elected at the annual election as aforesaid.

Qualification of officers.

9. *And be it enacted*, That all officers elected under this act shall, before they enter upon the execution of their several offices, take and subscribe an oath or affirmation before the common council of said city (who are hereby authorized to administer the same,) faithfully and impartially to perform their several duties according to the best of their abilities and understanding, and that a like oath or affirmation be taken by the mayor and common councilmen first elected under this act before any justice of the peace or judge, within six days after such election, such oaths or affirmations in all cases to be filed by the city clerk.

Of ordinances.

10. *And be it enacted*, That it shall and may be lawful for the common council of said city, or a quorum thereof, in council convened, to pass all ordinances for regulating, leveling, grading, paving, flagging, graveling, improving, cleaning and repairing the streets, sidewalks and alleys therein, for regulating the planting and protecting of shade trees, and for compelling the owners and occupants of lots, to grade, curb, and pave the sidewalks in front thereof (*provided* that no owner or occupant of property shall be compelled to curb and pave more than forty feet in length, on any one lot in any one year,) and to keep their pavements and gutters clean, and free from snow, ice and other impediments, for preventing persons from riding, driving or passing over and upon the same with horses, mules, wagons, carts or carriages of any description; for ascertaining and establishing the

Proviso.

boundaries of all streets and alleys in said city, and preventing and removing all encroachments in and upon said streets and alleys, for preventing or regulating the running at large of cattle, horses, goats, geese, dogs and swine, for imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street or alley of said city, for abating or removing any nuisance in any street or wharf, or on any lot or lots or enclosure, or other place in said city; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof, for lighting the streets of the same, for preventing or restraining riots, routs, disturbances, or disorderly assemblages, in any street, alley, house or place in the said city, for regulating, protecting, improving and reclaiming the public grounds or walks therein, and sinking and regulating pumps, wells and cisterns in the streets thereof; for the maintenance of fire engines and hose companies, and for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen, constables, and additional police, and prescribing their powers and duties; for regulating the vending of meats, fish and vegetables; for regulating butchers, hawkers, pedlers and petty chapmen within said city; for restraining vagrants, mendicants and street beggars; for erecting and maintaining a city hall, a school house or houses, with such other public buildings as may be necessary in said city; for regulating the public docks and wharves therein, and the rates of wharfage; for the more effectual suppression of vice and immorality; for preserving peace and good order; for suppressing and restraining disorderly and gaming houses; for prescribing and defining the duties of the several officers elected therein, and such other by-laws and ordinances for the peace, good order and prosperity of said city, 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 laws by enacting penalties for the violation thereof, either by imprisonment in the county jail, or public lockup not exceeding seven days, or by fine not exceeding twenty dollars, recoverable with costs in an action of debt in the name of the treasurer of said city, before any justice of the peace or the mayor thereof, for the use of the incorporation thereof; and further it shall be lawful for any justice of the peace, or the mayor of said city, before whom judgment of imprisonment may be given, to

carry such judgment into effect, by warrant of commitment under their hand and seal, directed to the keeper of the county prison or public lockup; *provided always*, each and every ordinance so passed shall be published in five of the most public places in said city, and also twice in one or more newspapers published in said city, by the mayor thereof for twenty days, before said ordinances shall go into effect; and *provided also*, that no ordinance or by-law shall be enacted or passed by said common council unless the same shall have been introduced before the said common council at a previous meeting. Proviso.

11. *And be it enacted*, That it shall and may be lawful for the common council to cause to be raised by tax, from year to year, such sum or sums of money as may be necessary for carrying into effect the laws and ordinances from time to time enacted by them, and for defraying all other necessary expenses of said city and from time to time to borrow money on the faith and in the name of said city, on bond, note or other sufficient security; *provided*, that the sum so borrowed shall never amount, in all, to more than two-thirds of the estimated tax to be levied, assessed, in any one year, nor be made payable at any period later than thirty days, after the time fixed by law for the collection of said taxes; *and it is further provided*, that all lands within the limits of said city, held as farm lands and not for building purposes, shall be valued and taxed as farm lands, in the same manner as they are now taxed for township purposes, nor shall the owners and occupants thereof be required to curb and pave in front thereof, unless the same shall consist of a lot or lots lying between other lots used for building purposes. Taxes to be raised. Proviso. Proviso.

12. *And be it enacted*, That the mayor of said city for the time being shall have all the powers and authority of a justice of the peace of the state of New Jersey; he shall take cognizance of all fines, forfeitures and penalties to be laid by the laws or ordinances of the common council of said city; he shall have power to arrest or cause to be arrested, without process or warrant, any or all persons who may be found, or charged with violating the public peace, or disturbing the public tranquility, or for a breach of any of the ordinances thereof; he shall have power to impose fines or penalties upon all persons so offending, and to cause them to be imprisoned in the county jail or public lockup; and shall be during the time for which he is elected, vested with all the powers and functions, and be bound by the same rules Ex-officio Justice of the Peace.

in criminal cases, as justices of the peace, and all officers and persons shall respect him as such; he shall have authority to take acknowledgment and proof of deeds; and it shall be his duty to see that all ordinances enacted by the common council of said city be duly published and enforced, and that no shows or exhibitions of any kind whatever shall be allowed in said city without his express consent and license being first obtained in writing.

Duties of treasurer.

13. *And be it enacted*, That the assessors of said wards shall assess upon the persons and property of residents, and upon the property of non-residents therein, and the city treasurer shall collect all such taxes, as may be ordered by the common council to be levied, assessed and collected, in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the county tax within their respective townships, and pay over the same to the city treasurer, and the said assessor shall annually, between the twentieth day of June and the twentieth day of August, make the assessment required of him and return his duplicate to the ward collector not later than the twentieth of September following, and the said assessor shall also assess the state and county taxes, and in case of nonpayment of any taxes by the twentieth of December of each year, the collector of each ward shall make out a list of the names of delinquents, with the sums due from each, and deliver the same to the mayor or a resident justice of the peace.

Of officers.

14. *And be it enacted*, That the treasurer of said city and the collector and marshal elected or appointed as aforesaid before they enter upon the execution or duties of their respective offices, or be qualified to serve, shall repair to the common council and enter into bonds, with such freehold security as the said council may approve, conditioned for the faithful performance of the duties of their respective offices, which said bonds, after the approval of the said common council shall be endorsed thereon, shall be delivered to the city clerk, who is hereby directed and required to file the same in his office, and may be sued and prosecuted as the bonds of the like officers in this state are or may be sued and prosecuted.

Marshal.

15. *And be it enacted*, That the marshal of the said city is hereby empowered to arrest and take into custody, without warrant, any offender against the laws and ordinances of said city, and confine said offender or offenders in a place pro-

vided by the said council until a hearing can be had, by, and to bring such offenders immediately before the mayor, or a justice of the peace, who is hereby empowered to take cognizance of such offences; and that the said marshal shall have all the powers of any constable of said county, and shall be entitled to receive the same fees as constables, in all cases where constables are allowed to receive fees.

16. *And be it enacted*, That the jailor of the county of Cumberland, or keeper of the public lockup, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of said county, by the mayor of said city as aforesaid, for the term of his, her or their imprisonment, as expressed in the warrant of commitment; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said county of Cumberland.

Licenses

17. *And be it enacted*, That the said mayor and common council, or a majority thereof, in council convened, shall have the sole, only and exclusive right and power of granting license under the common seal of said city, to all and every inn keeper and retailer of spirituous liquors, residing in said city, in the like manner and on the same conditions as may now be done by the courts of common pleas, in this state, except only that they may grant such license for any term not exceeding one year as they may deem best; and they shall also have the sole, only and exclusive right and power of licensing such and so many keepers of oyster houses and cellars and places for the sale of fermented liquors within said city, upon such terms and conditions, and subject to such regulations, as they may deem most conducive to the public good thereof, and the amount of license fees levied and assessed shall be paid to the treasurer for the use of the city.

18. *And be it enacted*, That it shall not be lawful for any person or persons to sell, within the corporate limits of the city of Millville, any spirituous liquors, in quantities less than five gallons, without having first obtained a license therefor from the mayor and common council, or majority thereof in council convened, of said city, in whom shall be vested the exclusive right and power of granting such licenses, and who may exact such restrictions and penalties as they deem necessary in relation thereto.

Lamps and police districts.

19. *And be it enacted*, That the common council shall establish certain limits in said city, to be called lamp, police and watch districts; taxes for lighting streets, and support-

ing a night watch and police shall be assessed upon the real and personal property within such districts, and shall be assessed separately from all other taxes.

Fees.

20. *And be it enacted*, That the mayor of the said city of Millville shall receive such compensation for the performance of his official duties other than the fees which appertain to his office as a justice of the peace and a commissioner for taking the acknowledgment and proof of deeds, not exceeding two hundred dollars per annum, as in the judgment of the common council may be right; the members of the common council shall not be paid any compensation whatever for the performance of their official duties; the city clerk shall be paid fifty cents for each meeting of councils he may attend, and six cents per folio of one hundred words each for recording the ordinances thereof.

Treasurer to make statement.

21. *And be it enacted*, That it shall be the duty of the city treasurer, once at least in each year, and as much oftener as the mayor and common council shall require, to make a statement of all moneys received and paid out by him, showing the source from whence received and to what applied, the amount of the indebtedness of the city, and the balance of funds in his hands; which, when approved by the common council, shall be filed in the office of the city clerk at least twenty days before the next annual election for city officers, and the city council shall cause the same to be published for two weeks in one or more newspapers in said city, or to be set up in five of the most public places in said city, at least two weeks previous to the said election; and the treasurer shall be allowed for making out such statement six cents per folio of one hundred words.

Commissioners of appeal

22. *And be it enacted*, That the commissioners of appeal in cases of taxation shall convene annually on the third Monday of October to hear and determine all appeals, and they shall sit from ten A. M. to six P. M., and longer if found necessary, to dispose of all cases submitted to them for consideration.

Collectors.

23. *And be it enacted*, That the collectors of wards shall at least one week before the day of appeal, in cases of taxation, demand of all persons taxed the amount of their tax, by notice to them personally given, if to be found in the ward, or left at their residence if within the ward; and in case of non-payment of any taxes by the Monday next preceding the twentieth day of December, the collectors of each ward shall make out a list of the names of delinquents,

with the sums due from each, and deliver the same to the mayor or a resident justice of the peace.

24. *And be it enacted*, That it shall be the duty of said mayor or justice of the peace, on receipt of the list of delinquents as aforesaid, to administer an oath or affirmation to the said collector, that the moneys on said list had been duly demanded, in the manner hereinbefore directed, and thereupon to give to said collector a receipt for such list, certifying therein the names of such delinquents, and the sum due from each respectively; and it shall be the duty of the mayor or justice within five days after the receipt of said list, to deliver to a constable or constables of said city a warrant or warrants, requiring him or them to levy the tax so in arrears, in the manner prescribed by the laws of the state of New Jersey, relative to the collection of taxes; and the said constable or constables shall, on the collection thereof, be governed by the laws of this state regulating the same in the several townships thereof; *provided, always*, that the said constable shall not be entitled to charge fees on account of any name mentioned in said warrant unless the tax due from said delinquent be actually collected. Delinquents. Proviso.

25. *And be it enacted*, That it shall be the duty of the constable or constables elected as aforesaid in said ward to preserve and maintain at all times the peace and quiet of the city, to arrest and imprison offenders against the ordinances of said city or the laws of this state, and to perform such other duties, and under such penalties as the common council of said city shall from time to time prescribe. Constables.

26. *And be it enacted*, That the city clerk shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all the meetings of the common council, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of such meetings, and of all annual and special elections; he shall record in a book to be provided for that purpose, all ordinances passed by the council, and duly certify the same, and shall perform such other duties as the said common council may from time to time prescribe, City clerk.

27. *And be it enacted*, That the judges and clerks of election, assessors and collectors of taxes, shall respectively possess the powers and perform the duties, be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officers of the several townships of the state, as far as such powers and duties shall be consistent

with this act; and in case of absence, death, incompetency or refusal to serve of any of the said officers of election, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the several townships of this state; and the clerk of said city shall procure ballot boxes for the use of said city of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties for a failure to procure such boxes or to keep the same in repair.

Judicial trials.

28. *And be it enacted*, That in the trial of any issue, or in the judicial investigation of any case, to which issue or investigation the mayor and common council of said city are a party, or in which the said city is interested, no person shall be deemed an imcompetent witness or juror by reason of his or her being an inhabitant or freeholder in said city, and if any person shall be sued or impleaded by reason of anything done by this act, it shall be lawful for such person to plead the general issue and to give this act and the matter in evidence at the trial.

29. *And be it enacted*, That the chosen freeholders, the assessors and surveyors of the highways of the said city of Millville shall perform all the duties and exercise all the powers in the county organization which said officers of the township of Millville now exercise and perform therein.

Money to be raised for schools.

30. *And be it enacted*, That it shall and may be lawful for the common council to cause to be raised by tax, from year to year, such sum or sums of money as may be necessary for the support of public schools.

31. *And be it enacted*, That the mayor and members of common council to be elected by virtue of this act shall take the oath or affirmation prescribed, on the sixth day next after election.

32. *And be it enacted*, That all property now vested in the township of Millville, shall be, and is hereby vested in the corporation of the city of Millville.

Repealer.

33. *And be it enacted*, That the act entitled "An act to provide for the grading and lighting of the streets and preserving good order in the town of Millville," approved March thirty-first, eighteen hundred and sixty-four, and also all acts or parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

34. *And be it enacted*, That this act shall take effect on the first day of March, eighteen hundred and sixty-six.

Approved February 26, 1866.

CHAPTER LV.

An act to incorporate the Millville and Mauricetown 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 Millville and Mauricetown Turnpike Company shall be opened by Lewis Mulford, Furman L. Mulford, John L. Sharp, Thomas S. Ferguson, Nathaniel Stratton, Ezekiel Mayhew, Lorenzo Sharp, John Sharp, Charles Sharp, Seth Bowen and Daniel Sharp, or a majority of them, who are hereby appointed to receive subscriptions to said stock at such time and place as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in Cumberland county. Commissioners to receive subscriptions.

2. *And be it enacted*, That the capital stock of said company shall be eight thousand dollars, with liberty to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty dollars each, and that when one hundred and fifty shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company by the name and style of "The Millville and Mauricetown Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the object of this act into effect. Amount of capital stock.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and the residue of the subscriptions shall be paid in instalments at such times and places and to such persons as the president and the directors of the company shall from time to time direct, and give public notice thereof in the 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 said instalments, or Payment of instalments

any of them, or to sue for the amount thereof, to and for the use of said company.

Act void if shares not subscribed in certain time.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within five years from the time of opening 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 to the respective subscribers or their representatives in proportion to the sums paid them.

Election of directors.

5. *And be it enacted*, That when one hundred and fifty shares of said stock be subscribed for, the 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 the books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners or a majority of them shall be judges; and 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 by the holder or holders thereof, either in person or by proxy.

Duties and powers of president.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the directors as aforesaid shall elect from their number a president of their said company, who shall be a citizen of this state and resident of the county of Cumberland, who shall hold office for one year and until another shall be elected, and who shall receive such compensation for his services as a majority of said directors shall direct, and shall be 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 to do so, the said directors shall appoint some other suitable person who, for the time being, shall

possess the same power and authority and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the 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 of Cumberland county, 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 they may exact from him such security for the due performance of their respective trust as they may think expedient; they shall regulate tolls and have the superintendence and direction of all receipts and disbursements and all other affairs of the company, and make and enforce such ordinances and by-laws as they may think expedient, to regulate the transfers of the stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of the 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 complete statement of the affairs of the company during said term.

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the said president and directors, or by the stockholders holding one-fourth of the whole stock of the company, by giving notice of the time and place, as hereinbefore directed with regard to the annual meeting, 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.

Corporation not dissolved for failure to elect.

10. *And be it enacted*, That if from any cause an election hereinbefore named shall not be had at the time specified in this act, the same may be held 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 nor avoided by reason of irregularity or want of such election.

Construction of road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Millville to Mauricetown, with the privilege of extending the same to Dorchester ferry; *provided* such extension shall be commenced within five years and finished within eight years, said road beginning where the road from Millville to Cedarville connects with the Bridgeton and Millville turnpike, thence along said road to the Buckshutem and Mauricetown road, thence along said public road, with a privilege of straightening certain points along said road; said turnpike to be at least thirty-two feet wide, except the mill-dam and bridge at Buckshutem, which shall be at least sixteen feet wide, the whole to be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be faced with gravel, to make a solid, firm, 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 five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty feet in width, except the one at Buckshutem, as aforesaid, and whenever the said roads shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained on the side, so as to prevent horses and carriages running off; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time and at all times upon all lands to search for stone, gravel, sand or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said lands; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass, all damages which the said owners may sustain by reason of the construction of said turnpike road; and in case the said company and the owners cannot agree upon the amount of said damages, then the damages shall be ascertained and determined as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of

Proviso.

Proviso.

stone or gravel from his land for the construction or maintaining said turnpike road.

Proceedings when company and owners can not agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons and other carriages, and beasts of burden and draft, and all necessary materials and 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 might make in the inclosure thereof; and to make all ditches and underdrains across and through said lands necessary for properly draining said road, and to take and carry away stones, gravel, sand, clay, earth or other material therefrom, suitable for making or repairing said roads; 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 where, 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, 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, or to one of the judges of the court of common pleas of the county of Cumberland, who shall cause the said company to give notice thereof to the persons interested, if known and in the state, or if unknown or out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, 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 and materials and to assess the damages upon such notice 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 the said commissioners, 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 make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to view and examine the said lands and materials and make a just and equitable appraisement of the value of the same, and assessment of damages to be paid by the said company for such lands 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 appointments, oaths and affirmations in the clerk's office of the county of Cumberland, 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 lands or materials after the payment of the valuc and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in any 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 continue a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, 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.

Toll gates to be erected.

13. *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 eleventh section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for travelling each mile and all fractions over half a mile of said road not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent;
For every additional beast, one cent;
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 and may be lawful for the toll-gatherer to stop

persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day; or horses, carriages, sleighs or sleds, carrying persons to or from a funeral; or any militiaman, to or from any training on any muster day appointed by law; or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States. Proviso.

14. *And be it enacted*, That before the said company shall receive toll for traveling said roads they shall cause mile stones or posts to be erected and maintained, one for each and every mile in use on said roads, and upon each stone or post shall be fairly marked the distance the said stone or post is from Millville, 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, and also a board, on which shall be painted in large letters "keep to the right as the law directs." Mile stones to be erected

15. *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 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 act of damages for the same, to be recovered by the said company by an action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team or horse, turn out of said road to pass a gate or gates, on private grounds adjacent thereto, and again enter upon said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company, for the use thereof in an action of debt, with costs of suit. Penalty for injuring works.

16. *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 demand and receive more toll than is by this act established, the company 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.

17. *And be it enacted*, That all the drivers of carriages and sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing directions, leaving the other side of said road free and clear for other carriages, sleighs, or persons on horseback to pass; and if any person shall offend against this provision, such persons shall forfeit and pay the sum of ten dollars to any person who shall be so obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when roads and bridges are not kept in repair.

18 *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 judge of the court of common pleas of the county of Cumberland, he shall immediately appoint, by writing, three disinterested freeholders of said county who shall view the said road and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, 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 the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, the company 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 judge 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 from said company again to view the said road or bridge and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the 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, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When toll may be taken.

19. *And be it enacted*, That whenever the said company shall have completed any three 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 said road and demand and receive toll for travelling thereon, agreeably to the foregoing rates.

Roads, how vacated.

20. *And be it enacted*, That the said corporation may use any portion of the main public roads on the routes above named, by and with the consent of three-fourths of all the landholders along or on the routes of said roads; and if the owners of such lands shall refuse their consent, then and in that case such roads shall be first vacated according to law.

Limitation.

21. *And be it enacted*, That if the said road from Millville to Mauricetown be not commenced within three years and completed within six years from the passage of this act, then and in that case this act shall 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."

Restrictions and liabilities.

Approved February 26, 1866.

CHAPTER LVI.

A supplement to an act entitled "An act to incorporate the New Jersey State Agricultural Society," approved February twenty-fifth, anno domini eighteen hundred and fifty-six.

Repeal of part of former act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement as prohibits the New Jersey State Agricultural Society holding real and personal estate, exceeding in value the sum of ten thousand dollars be, and the same is

hereby repealed; and the society is hereby authorized to receive by donation or acquire by purchase, lease or otherwise, and hold such real and personal estate as shall be necessary to enable the society to establish a permanent location and maintain the same, and from time to time, in such manner as may be deemed best, out of the surplus funds of the society, to award and make such premiums, profits, dividends and advantages as may be thought advisable, and for the benefit of the society.

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

Approved February 26, 1866.

CHAPTER LVII.

A further supplement to the act entitled "An act revising and amending the act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-one.

Power to sell farm and premises.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and aldermen of the city of Paterson are hereby authorized and empowered to sell, at such time and in such manner as they may deem proper, the farm and premises belonging to said city, situate in Bergen county, and used for a poor house.

Power to purchase farm not exceeding one-hundred and fifty acres.

2. *And be it enacted*, That the mayor and aldermen of said city are hereby authorized and empowered to purchase a farm or tract of land not exceeding one hundred and fifty acres, in the county of Passaic, at a cost not to exceed seventeen thousand dollars, and thereon to keep, maintain and employ such poor, sick or disabled persons of said city, as may or shall need public care or relief, and to take the benefit of the labor and services of such of them as may be able to work; and to use and appropriate as many of the "Paterson city bounty bonds, fourth issue," at not less than par, and not to exceed eighteen thousand dollars, as may be necessary to purchase said farm or tract of land and stock for the same.

3. *And be it enacted*, That the mayor and aldermen of said

city are hereby authorized and empowered to erect, maintain and keep on said farm or tract of land such houses and other buildings, as the purposes for which the same are to be used may or shall require, and to use the money realized from the sale of the farm and premises authorized to be made by this act, in the erection of suitable buildings thereon. Power to build.

4. *And be it enacted*, That the said mayor and aldermen be and they are hereby authorized and empowered to make such ordinances and by-laws, and to appoint and employ such officers and servants as they may deem to be necessary for the proper establishment, maintenance and regulation of such poor house and farm, and for the reception, government and management of such poor, sick or disabled persons of the city of Paterson, as may or shall be received, kept, employed or maintained therein. To make ordinances and by-laws.

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

Approved February 26, 1866.

CHAPTER LVIII.

An act to incorporate The Marion Building Company.

WHEREAS, it is represented that a factory is about to be established in the town of Bergen, in the county of Hudson, near the Hackensack river, for the manufacture of watches, and extensive buildings are now in course of erection for the purposes of said manufacture, and that the persons interested in said manufacture have purchased certain lands and salt meadows situated and being in said town, bounded on the northeast by the lands of the New Jersey Railroad and Transportation Company, on the northwest by the Hackensack river, on the southwest by lands now or late of H. Van Wagenen and J. D. Van Winkle, and on the southeast by West Side avenue, leading from the Paterson depot to the Newark plank road, and containing about seventy-seven acres of land, near which the said factory is located and being erected, and may desire to acquire other tracts of land and salt meadow adjacent thereto, Preamble.

which salt meadow they desire to fill in and reclaim, and that they desire to divide the said lands and salt meadow they now have and may acquire into suitable building and other lots, and to erect dwellings and other buildings upon some of said lots, for the accommodation of the employees in said factory, and to rent, lease, sell and dispose of said lots and buildings, or said lots without buildings thereon, for the benefit of the association, with a view of accommodating the said employees of the said factory, and to erect a town, with buildings, docks, wharves and bulkheads; and whereas, it is necessary for the success of the said undertaking that they should be able to lease or convey the said premises, from time to time, notwithstanding any cause affecting the individuals owning or who may own the said land and salt meadow, and in order to give greater efficiency and facility to their effort for improvement of the said land and salt meadows; now, therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick A. Giles, William A. Wales, George C. F. Wright, George A. Pratt, Daniel M. Wells, Benjamin G. Clarke and Alexander H. Wallis, and such other persons as they may associate with them, and their successors, shall be and they are hereby created a body politic and corporate in fact and in law, by the name of "The Marion Building Company," and that the capital stock of the said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice and in such manner and instalments as the directors of said company by their by-laws or otherwise may direct, that such payment shall be made either in money or in lands and improvements thereon, situate in or about the town of Bergen, in the county of Hudson, and in case of payment in land the directors may issue in payment therefor, and of the improvements thereon, the stock of the said company upon such terms as may be deemed best for its interests; and that in case of the failure of any stockholder to pay the installments on his or her stock, at the place, and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share and shares, and of all previous payments thereon for the use of the company.

Shares of stock transferable.

2. *And be it enacted*, That the capital stock of the said company shall be deemed personal property, and the shares

shall be transferable in such manner as the board of directors by their by-laws may direct, and every share shall entitle the holder to one vote either in person or by proxy.

Election of directors.

3. *And be it enacted*, That the said corporation may be organized and shall have all the rights and powers conferred by this act when twenty-five thousand dollars of its capital stock shall be subscribed; that the affairs of the company shall, after its organization, be managed by seven directors to be chosen by the stockholders of the company annually at such time and in such manner as the by-laws of the company may direct, who shall serve for one year and until others are chosen in their stead, notice of which election shall be previously given for two weeks, in a newspaper published in the county of Hudson; the said directors shall from time to time elect a president from their own number who shall hold said office until the next annual election for directors and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary.

First directors to receive subscriptions.

4. *And be it enacted*, That Frederick A. Giles, William A. Wales, George C. F. Wright, George A. Pratt, Daniel M. Wells, Benjamin G. Clarke and Alexander H. Wallis shall be the first directors of the company and shall be authorized to receive subscriptions to the capital stock of said company, a majority of whom shall, as soon as convenient after the sum of twenty-five thousand dollars of said capital stock shall be subscribed for, assemble and organize such company, and shall continue in office until others as hereinbefore directed shall be chosen in their stead.

Powers of company.

5. *And be it enacted*, That as soon as the said company shall be organized it shall be authorized to receive conveyances for the lands and salt meadows in the preamble of this act mentioned and described, and to purchase and hold any lands and salt meadow adjoining or near the above mentioned tracts and parcels of land, which they may deem necessary for improving and enlarging said property, and to pay for all lands and salt meadow herein mentioned and that may be purchased and conveyed to the said company, with the shares of the capital stock at such price as the company may deem best for its interest, and to lease, mortgage and sell said lands and salt meadow or any part thereof, and to hold, and execute all instruments and conveyances necessary for the purchasing, leasing, mortgaging and selling of said lands and salt meadow or any part thereof.

Buildings, &c to be erected.

6. *And be it enacted*, That the said company shall be and hereby are authorized to improve all and every portion of the said lands and salt meadow to be conveyed or purchased by it as hereinbefore provided for by erecting buildings, wharves, bulkheads, piers, slips, and other structures and laying out said lands and salt meadow into lots, streets, squares, docks, lanes, alleys and other divisions, and by leveling, grading, filling, raising or tunneling the said land and salt meadow, streets, lanes and alleys.

Right to recover by action at law wharfage, &c.

7. *And be it enacted*, That the said company shall have the right to demand and recover by action at law all wharfage, dockage and cranage, which may be levied upon any wharf, dock, pier, slip, or bulkhead erected by it upon their said land and salt meadow by virtue of this act.

8. *And be it enacted*, That the said company may from time to time make, alter, and repeal by-laws for the government of the company, its officers and agents, and the preservation and use of its property, and for the protection of the said buildings, wharves, bulkheads, piers, slips, structures, lots, streets, squares, docks, lanes, alleys, and other division of the said land, and salt meadow; *provided*, that no such by-law shall conflict with any law of this state; *and provided further*, that nothing in this act contained shall prevent the creation by law of any such municipal government or authority over said docks, piers, wharves, bulkheads, slips, streets, squares, lanes and alleys, as may be deemed by the legislature from time to time just and proper.

Proviso.

Proviso.

Property to be taxed.

9. *And be it enacted*, That the property of the said company shall be subject to taxation in like manner as the property of individuals, and the said company shall not be subject to any other tax whatever.

Rights and liabilities.

10. *And be it enacted*, That the said company shall possess all the rights and powers, and be subject to all the liabilities incident to a corporation.

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

Approved February 26th, 1866.

CHAPTER LIX.

An act to incorporate the West Jersey Cranberry Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Providence Ludlum, John Kandle, Robert Moore, Marmaduke B. Taylor and James H. Nixon, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate by the name of the "West Jersey Cranberry Land and Improvement Company." Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with the privilege to the said company of increasing the same to three hundred thousand dollars, to be divided into shares of five dollars each, to be deemed personal property and to be transferable on the books of this corporation, or by power or powers of attorney. 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 aforesaid, at such time or times and place or places, and upon such notice as they or a majority of them shall think proper, and at the time of subscribing for said stock two dollars on each share shall be paid to said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such installments and at such times and places, and to such person or persons, as the directors of said company or corporation shall from time to time direct, by giving twenty days previous notice in two or more of the newspapers printed and circulating in this state, and upon failure of payment thereof the said directors shall have power to forfeit the shares of each and every person so failing to pay such installments, or any or either of them, to and for the use of said company, and whenever Three Thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall as soon as they may deem it expedient give like notice of a meeting of the stockholders at such time and place as they may designate, to choose and elect five directors who shall hold their office for one year or until others are duly elected, and such election shall be made at such time and Commissioners to receive subscriptions. Election of directors.

place as shall be appointed by such 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 directors so chosen or elected at such meeting, or at the annual election of said corporation, shall as soon as may be after every election, choose out of their own number a president, and the said board of directors shall have power to elect a secretary and treasurer for said company to serve for one year, and until a successor or successors shall be chosen by the said board of directors, and in case of the death, resignation or removal of the president, secretary or treasurer, or any director or directors, such vacancy or vacancies may be filled for the remainder of the then current year by the said board of directors.

Vacancies, how filled.

May hold land in certain counties.

4. *And be it enacted*, That the said company when organized as aforesaid shall be and they are hereby authorized to purchase, hold, occupy and convey such and so much land as they may deem proper, situate in the counties of Camden, Atlantic, Gloucester, Salem, Cumberland and Cape May, or in any or either of them, and to improve the same for the cultivation of cranberries or for other agricultural purposes, or both or either, and to sell and convey the same, and to erect such building or buildings thereon as may be necessary or convenient for the use of said corporation, and to lay, keep and maintain drains through their lands and other contiguous and adjacent lands, as said corporation may deem for the benefit of their said lands.

Powers of directors.

5. *And be it enacted.* That it shall be lawful for the directors of said company from time to time, to borrow such sum or sums of money as may to them seem advisable for the purposes of their said business, and to secure the same by mortgage or mortgages on the lands or other property of said corporation.

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

Approved February 26, 1866.

CHAPTER LX.

Supplement to an act entitled, "An act to incorporate the Trenton Gas Light Company," approved February nineteenth, anno domini eighteen hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said, the "Trenton Gas Light Company," to increase their capital stock one hundred thousand dollars, to be issued at such times and in such manner as the board of directors may deem best. Increase of capital stock

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

Approved February 26, 1866.

CHAPTER LXI.

A further supplement to an act entitled "An act to authorize the chosen freeholders of the county of Union to borrow money and to issue bonds therefor," approved March fourth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the supplement to the said act, which said supplement was approved April six, eighteen hundred and sixty-five, as provides that the said bonds therein mentioned and referred to shall not be sold or negotiated, for a less sum than their par value, be and the same is hereby repealed. Repeal of portion of supplement.

2. *And be it enacted*, That it shall be lawful for the said board to sell or negotiate the said bonds upon the best terms that they can be disposed of.

3. *And be it enacted*, That it shall not be lawful for the board of chosen freeholders to assess more than one hundred and twenty-five thousand dollars in any one year for the payment of principal and interest of bonds issued under the Chosen freeholders to assess.

authority of this act, or the act to which this is a supplement, and supplements thereto.

Repealer. 4. *And be it enacted*, That the provision of the first section of the supplement to the act to which this is a further supplement, approved April sixth, eighteen hundred and sixty-five, and all other acts or parts of acts inconsistent 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 February 26, 1866.

CHAPTER LXII.

A supplement to an act entitled "An act to incorporate the People's Fire Insurance Company of Trenton."

Forfeiture of shares of stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any stockholder in the "People's Fire Insurance Company," shall fail or refuse to pay any installment on his or her stock when called in by the directors and required to be paid pursuant to the provisions of the act to which this is a supplement, it shall be lawful for the directors of said company, and they are hereby authorized to forfeit the shares of each and every person so failing to pay such installments or any of them, to and for the use of the company, or at their option, to sue for and recover the installment or installments so remaining unpaid of the person or persons in whose name such stock shall stand on the books of the company at the time of calling in said installments respectively.

Acts of vice-president or secretary pro tem when valid. 2. *And be it enacted*, That in case of the absence, death or inability to act of the president or secretary of said company, all policies of insurance and other contracts made by the company and signed, executed and attested by the vice president or secretary pro tem, shall be valid and as binding upon the company as if signed and attested by the president and secretary.

Eleventh section of act repealed. 3. *And be it enacted*, That the eleventh section of the act to which this is a supplement be and the same is hereby repealed; but it shall be lawful for the legislature at any time

to alter, amend or repeal this act or the act to which this is a supplement whenever in their opinion the public good shall require it.

Approved February 27, 1866.

CHAPTER LXIII.

A further supplement to the act entitled "An act to incorporate the Morris County Agricultural Society," approved March twenty-two, eighteen hundred and sixty.

1, BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a further supplement, as provides "that all land or other property which may hereafter be owned and held, by lease or otherwise, by said society, and used for the purpose of promoting its objects, shall not be liable to have any taxes assessed or levied upon the same for any purpose or purposes whatsoever," 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 February 27, 1866.

CHAPTER LXIV.

An act to incorporate The Young Mens' Father Matthew Temperance Benevolent Society Number One, of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard McAghan, John J. Devlin, Charles C. McTavey, Patrick May, Jeremiah Costigan, John M. Gibson, Michael Kilcauley, Anthony Higgins, Charles M. Hughes and Thomas J. Harrington, and their associates, officers and members of "The Young Mens' Father Matthew Temperance Benevolent Society Number One, of Jersey City," and their successors, be and they are hereby Names of corporators

constituted and declared to be a body politic and corporate in law, by the name, style and title of the "Young Mens' Father Matthew Temperance Benevolent Society Number One, of Jersey City," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body politic or corporate, capable of making the same, to make all proper and needful by-laws for the regulation of its members and property, and also to have a common seal and use the same at pleasure; *provided, always*, that the said corporation or body politic, shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of three thousand dollars.

Proviso.

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

Approved February 27, 1866.

CHAPTER LXV.

Supplement to an act entitled "An act for the better protection of the Agricultural and Horticultural interest of the county of Atlantic," approved April fifth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall suffer any horse, ass, mule, cattle, sheep, goats or swine, of which he is the owner or hath the keeping, to run at large in the county of Atlantic otherwise than upon the premises of such owner or keeper; and whoever shall wilfully or negligently do so, shall forfeit and pay for every such animal found running at large as aforesaid the sum of five dollars, to be recovered by any person who shall sue for the same in an action of debt, with costs of suit, in any court having cognizance thereof, one dollar to the use of the person suing therefor and four dollars to the use of the poor of the township wherein such offence shall be committed.

Penalty for negligence

2. *And be it enacted*, That as to all lands in the said county of Atlantic, and the owners or lawful possessors of

such lands, the provisions of the second and third sections of an act entitled "An act concerning trespasses by swine," passed the fifteenth day of March, anno domini seventeen hundred and ninety-eight, shall be and the same are hereby extended to trespasses by horses, asses, mules, cattle, sheep and goats. Provisions of former act extended

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

Approved February 27, 1866.

CHAPTER LXVI.

A further supplement to the act entitled "An act for incorporating Trustees of the Theological Seminary of the Presbyterian Church at Princeton, in the State of New Jersey," approved the fifteenth day of November, eighteen hundred and twenty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "Trustees of the Theological Seminary of the Presbyterian Church," may take, receive, purchase, possess and enjoy messuages, lands, tenements, rents, annuities and other hereditaments, real and personal estate of any amount; *provided*, that the same do not yield an annual income exceeding the sum of fifty thousand dollars. May hold real estate. Proviso.

2. *And be it enacted*, That the tenth section of the act to which this is a supplement be and the same is hereby repealed. Tenth section of act repealed.

Approved February 27, 1866.

CHAPTER LXVII.

An act to incorporate "The Building Association of Essex County."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That M. M. Dodd, Viner J. Hedden,

Names of corporators.

James Peck, A. P. Mitchell and John G. Trusdell, 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 Building Association of Essex County," and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate in the county of Essex as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the purposes aforesaid.

Election of directors.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five 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 April 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 Essex, 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 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 the persons named in the first section of this act, who shall hold their office until others are legally chosen.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars, which

shall be divided into shares of one hundred dollars each, and as soon as ten hundred shares of the capital stock shall have been subscribed, and the sum of ten dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said company 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 proportions as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper in the county of Essex, or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid; and in case of failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time in the county of Essex as the directors shall appoint, notice being given previous thereto 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 sell and convey real estate.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease mortgage, sell and convey all such lands and real estate as they may have and hold from time to time, in whole or in parcels, and to improve the same by erecting, or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable; and to purchase, make up, manufacture, sell and dispose of all materials pertaining to the erection of such buildings.

Powers of first directors.

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 power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition

Proviso.

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.

Not dissolved for failure to elect.

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.

Limitation.

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

Approved February 27, 1866.

CHAPTER LXVIII.

An act to incorporate the "Holden Machine Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Holden, Charles Godden, James Platt, Orlando Thrift and John Kershaw, and their associates, successors and assigns, be and they are hereby created a body politic and corporate by the name of "Holden Machine Company," for the purpose of manufacturing and selling machinery of various kinds, and other articles connected with said business; and for that purpose may purchase, hold, sell, convey, mortgage, lease, and dispose of such real and personal property as may be needful and proper for use in carrying on said business, or may accrue to them in the course thereof.

Location.

2. *And be it enacted*, That the said company may carry on their business at any place in the county of Passaic, and may establish their principal office at such point in said county as they shall deem proper; and may change the same as the directors may determine.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, and may be increased to one hundred and fifty thousand dollars, divided into shares of fifty dollars each; and as soon as a transfer and conveyance shall be made to the "Holden Machine Company," by the said persons above named, of the property,

effects, assets, and buildings, now owned, occupied and used by them in the manufacture of machinery in Paterson, which together represents their said capital of fifty thousand dollars, it shall be lawful for the said company to commence their business, and with that capital conduct and carry it on; until they shall deem it necessary to extend their operations, and increase their capital for that purpose, which a majority of the directors are authorized to do, to the amount hereinbefore mentioned, and it shall be lawful for the directors, or a majority of them, to call and demand from the stockholders respectively all sums of money by them subscribed of the said capital stock, or to the increased capital above the said sum of fifty thousand dollars, at such times and in such proportions as they shall think proper, under pain of forfeiting the shares subscribed, and all previous payments thereon, if such payments shall not be made in thirty days after a notice shall have been published for the space of fifteen days in one or more newspapers published in said county of Passaic.

Election of directors.

4. *And be it enacted*, That the stock, property and business of said corporation shall be managed and conducted by not less than three, nor more than seven directors, being stockholders, one of whom shall be president; and that the persons named in the first section of this act, shall be the first directors to organize and manage the affairs of said company; and shall continue in office until the first day of May next, or until others are elected in their stead; that thereafter the directors shall be chosen annually on the first day of May, at such place and on such notice as the by-laws of said company shall determine; that all elections shall be by ballot, and each share of stock shall be entitled to one vote, which may be given by the holder thereof in person or by proxy; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or of this act; and any vacancy in the board of directors may be filled for the unexpired time by a majority of the same; that a majority of the directors shall be residents of this state; and the directors may appoint such officers and agents as they may deem necessary; and may, by their by-laws, fix their duties and compensation therefor.

Stock transferrable.

5. *And be it enacted*, That the stock and property of the said corporation shall be deemed personal estate, and be transferred in such manner as the by-laws shall prescribe; that certificates of stock shall be made to the stockholders by the directors, and no transfer of stock shall be valid or effectual until such transfer be entered on the book or books to be kept by the directors for that purpose; and the said directors may make dividends from time to time; but no dividend shall be declared or paid except from the actual net profits of said corporation.

May be dissolved.

6. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of the stockholders, summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county, at least three times in each week during said period, provided three-fourths in value of the stockholders be present or represented therein; and upon such dissolution, the directors for the time being, or the survivors or survivor of them, or such person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company, and paying its debts, and dividing the surplus among the stockholders according to their respective interests therein.

Limitation.

7. *And be it enacted*, That this act shall continue in force for the period of thirty years, unless dissolved as aforesaid; but the same may be altered or amended by the legislature whenever it is deemed necessary for so doing.

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

Approved February 28, 1866.

CHAPTER LXIX.

A supplement to the act entitled "An act to provide for draining a certain tract of low land in the county of Bergen, called the Riser," approved March seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the eleventh section

of the act to which this is a supplement as requires the treasurer of the Riser Drainage Company to give written notice to the owner or owners of lots on which assessments are or hereafter shall be unpaid, of the time and place of sale of such lot or lots, except the notice by public advertisement, be and the same is hereby repealed; and in place thereof, the treasurer of said company shall cause notice of said sale to be put up in three public places in the township in which the lands lie and one in the clerks office of Bergen county for at least two months before the time of such sale. Eleventh section of act repealed. Notice of sale to be given.

2. *And be it enacted*, That on any sale of lands hereafter to be made under this act, or the act to which this is a supplement, upon any assessment now made or hereafter to be made, no deed for said lot or lots so sold shall be given to the purchaser thereof until after the expiration of three years from the day of such sale, to the end that the owner or owners or other person having or claiming an interest in said lands may redeem the same from such sale, by paying to the treasurer of the said company the amount of such assessment and interest thereon at the rate of ten per centum, together with all the expenses of advertising and sale; and if after the expiration of three years no person shall appear to pay the said assessment, interest and expenses, then a deed for said lot or lots so sold shall be given to the purchaser as is directed in the act to which this is a supplement, except that the deed need not recite notice to the owner of the lot so sold. Deed where to be made.

3. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with this act be and the same is repealed, and this act shall take effect immediately. Repealer.

Approved February 28, 1866.

CHAPTER LXX.

An act to incorporate the "Shamrock Benevolent Society of Jersey City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Murphy, Michael Court-

Names of corporator.

ney, Michael Scanlan, Mathew O'Sullivan, Thomas Lyons, and their associates, officers and members of the "Shamrock Benevolent Society of Jersey City," and their successors be and they are hereby constituted and declared to be a body politic and corporate in law, by the name, style and title of "The Shamrock Benevolent Society of Jersey City," and by that name, they and their successors shall and may at all times hereafter, be capable in law of having, purchasing, holding, and possessing any lands, tenements, hereditaments and personal estate, purchased, devised, or bequeathed, by any person or persons, body corporate or politic, capable of making the same; to make all needful rules and regulations for the control of their members and property; and also to have a common seal, and the same to use at pleasure; *provided always*, that the said corporation or body politic, shall not at any time hold or possess property, real, personal or mixed, the net income of which, shall exceed the annual sum of three thousand dollars.

Proviso.

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

Approved February 28, 1866.

CHAPTER LXXI.

Supplement to the act to enable the owners and possessors of the Meadow and Marsh adjoining Repampo Creek, in the county of Gloucester, to erect and maintain Banks, Dams and Water-works sufficient to prevent the tide from overflowing the same, passed November twenty-eighth, eighteen hundred and thirty-one.

Duties of owners or possessors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every owner or possessor of meadows within the bounds of said company shall destroy all thistles on their respective meadows, so that in no case shall any be allowed to go to seed, and if any owner or possessor shall neglect or refuse so to do, after five days' notice from any manager (whose duty it shall be so to notify if requested,) it shall be the duty of said manager immediately to have all such thistles destroyed, the cost of doing which, together with the fees of the manager while attending thereto, shall be paid by the owner or possessor of said meadow,

and shall, if not sooner paid, be added, with interest, to his next meadow tax and be collected with it in the manner hereinafter specified for its collection.

Assessments how collected.

2. *And be it enacted*, That if any of the said owners or possessors shall neglect or refuse to pay any sum or sums of money assessed as provided in the seventh section of the act to which this is a supplement for the space of thirty days after notice to him, her or them, or left at their usual place of abode, if residing in the county of Gloucester, or by publishing the same in the "Constitution," or a newspaper published near the premises, it shall be the duty of the managers to make out a list of the names of said delinquents, with the sums due from them respectively thereto annexed, and deliver the same to some justice of the peace of said county, whereupon it shall be the duty of said justice, within five days after receiving such list, to make out and deliver to said managers a warrant, authorizing them to levy the tax so in arrears, with costs and interest on the meadow of said delinquents, whereupon said managers shall proceed to collect it in the manner prescribed in the ninth section of the act to which this is a supplement; the eighth section and so much of the ninth section of the said act as comes within the purview of this section is hereby repealed.

Commissioners to assess damages.

3. *And be it enacted*, That if any annual meeting of said company shall so decide, the managers shall apply to the next court of common pleas of said county, which court shall thereupon appoint three judicious freeholders of said county as commissioners, who, upon giving the like notice as directed in the second section of this supplement, shall proceed to view the premises, and then in their discretion, or that of any two of them, may order any new water course or sluice within the bounds of said company, or may annul any one previously laid that they shall not deem needful, and shall assess the damages that may thereby accrue to the owner of any meadow where such changes may be made, which sum so assessed shall be paid by the managers out of the funds of the company, together with fair compensation to the said commissioners and such assistants as they may require, their decision to be certified to said managers, and recorded on the books of said company and thenceforward observed by them and their successors in office.

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

Approved February 28, 1866.

CHAPTER LXXII.

An act to incorporate "The Whitfield Manufacturing Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph S. Whitfield, George Richardson, John Drew, Stephen Wiseman, and their associates and successors, be and they are hereby created a body corporate and politic by the name of "The Whitfield Manufacturing Company," for the purpose of spinning, manufacturing and weaving articles and fabrics consisting, in whole or in part, of silk, cotton, linen and wool, and of buying, selling and dealing in the same; and for that purpose may purchase, hold, sell, convey, mortgage, lease or otherwise dispose of such real and personal property as may be needful and proper for the carrying on of said business, or which may accrue to them in the prosecution thereof.

Location.

2. *And be it enacted*, That the said company may carry on their business at any place in the county of Passaic, and may establish their principal office at such place in this state as they shall deem proper, and may change the location thereof from time to time, as the directors of said company may deem to be for the interest thereof.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of one hundred dollars each, and said shares and all other shares of stock issued by said company shall be deemed to be personal property, and be transferable in such manner as shall be from time to time prescribed by the by-laws of the company; and that said company may increase their capital stock from time to time, and may issue shares accordingly, but such stock shall at no time exceed in amount the sum of two hundred thousand dollars.

Subscription books to be opened

4. *And be it enacted*, That it shall be lawful for said company to grant and issue certificates of shares in part or in full payment for any real or personal or lease-hold property that may be purchased or leased by them, and that books of subscription to said capital stock may be opened under the direction of the board of directors herein named, or some one of them to be designated for that purpose by said board,

and at such time and place as the board may appoint, and shares may be issued accordingly to the subscribers thereof when paid in full, and when shares to the amount of twenty thousand dollars shall have been issued in accordance with this act, then it shall be lawful for said company to commence and carry on their business.

First directors.

5. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, not less than three nor more than seven in number, as said by-laws shall from time to time establish, a majority of whom shall be residents of this state; that said board shall organize by appointing one of their number to be president and a suitable person to be secretary, and may afterwards appoint such officers and agents as they may deem necessary, and may by their by-laws fix their duties and compensation, and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue until the first Tuesday in June next, and until others are elected in their stead.

Election of directors.

6. *And be it enacted*, That the directors of said company shall be chosen annually on the first Tuesday in June, at such time and place, and on such notice as said by-laws may fix; that all elections shall be by ballot, and that each share of stock shall be entitled to one vote which may be given in person or by proxy, and if at any time, or for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election shall be regularly held according to the requirements of the by-laws in that behalf or of this act, and that any vacancy in the board hereby appointed, either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board or the majority of the same, and that in any election of directors the persons having or receiving the greatest number of votes shall be directors, and shall continue in office until their successors are elected.

Powers of directors.

7. *And be it enacted*, That it shall be lawful for the board of directors, or a majority of them, from time to time, to demand from the stockholders, or others subscribing for the stock, all sums of money subscribed to said capital stock, and to any increase of the same under this act, in such proportion and at such times as they may deem proper, and if such payments shall not be made within thirty days after

the day fixed for that purpose, fifteen days' notice of the time and place of such payment being first published in one or more of the newspapers published in the county where said company's principal office is located, designating the amount of such payment per share, and the time when, place where, and person to whom the same may be paid, such board may declare forfeited and forfeit to said company all installments paid on such subscriptions, and all right to the shares so subscribed for.

Dividends.

8. *And be it enacted*, That a majority of the directors from time to time shall form a board for transacting the business of the company, and may make such by-laws, rules and regulations as they deem expedient for the government, management and disposition of the stock, effects, profits and concerns of said company, not contrary to the constitution and laws of this state or of the United States, but no dividends shall be declared or paid except from the actual net profits of said corporation, and that no transfer of stock shall be valid until the same be entered in the books kept by said company for that purpose.

Corporation may be dissolved.

9. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned especially for that purpose by the board of directors or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county, three times in each week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein, and upon such dissolution the directors for the time being, or the survivor or survivors of them, or such other person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company and paying its debts, and dividing the surplus among the stockholders according to the respective interests therein.

Proviso.

Limitation.

10. *And be it enacted*, That this act shall continue in force for the period of twenty-five years, but the same may be altered or amended by the legislature whenever the public good may require it.

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

Approved February 28, 1866.

CHAPTER LXXIII.

An act to incorporate the Railway Accident and Life Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Williamson, John H. Rolston, Amos Clark, junior, J. L. Scott, Oscar Marsh, A. S. Woodruff, A. D. Mulford, Jacob Davis, Joseph A. Davis and N. T. Spear, and all others who may become associated with them as stockholders as is hereinafter provided, their successors and assigns, forever be and they are hereby created and made a body corporate and politic for the purpose of insuring persons against the accidental loss of life or personal injury sustained either while traveling by railway, steamboat or other mode of conveyance, or by accident of any description, and to make all and every insurance appertaining to or connected with life risks of whatever kind or nature, as well of the sound in health as the infirm or invalid, by the name of the "Railway Accident and Life Insurance Company of New Jersey," and by that name shall be and hereby are empowered to purchase, have, hold, possess and enjoy to themselves and their successors, lands, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of, to sue and be sued, plead and be impleaded in all courts of justice, to have and use a common seal, and the same to change, alter and renew at pleasure, and to ordain and put into execution such by-laws and regulations as they may deem proper for the well ordering and government of said corporation and the transaction of its business; *provided*, they be not repugnant to the laws of the United States or of this state, or to the provisions of this act of incorporation. Names of corporators. Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall not be less than seventy-five thousand dollars, and may be from time to time hereafter increased by said company to any sum not exceeding three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of said corporation by each subscriber to said capital stock at the time of subscribing for the same an installment of ten dol- Amount capital stock.

lars on each share of stock by him or her subscribed for, and a further installment of ten dollars on each share shall be paid within sixty days after the organization of said company, and the remainder of said shares so subscribed for shall, within sixty days' after the organization of said company, be secured to be paid, either by bond and mortgage on real estate, or by such endorsed promissory notes as shall be approved of by the directors of said corporation and two-thirds of the corporators herein named, and shall be payable in such installments and at such times as the directors may determine, and such endorsers shall have a prior and preferred lien on the stock for which such note or notes are given as a security and indemnity for their endorsement.

Stock transferable.

3. *And be it enacted*, That that the capital stock of said corporation shall be deemed and considered personal property, transferable according to the rules and regulations of the company, and that if any subscriber of any share or shares of said stock shall neglect or refuse to pay the installment as aforesaid, or to secure the payment of the residue of the stock by him or her subscribed as aforesaid for the space of sixty days after the same shall become due or required, and after he, she or they have been notified thereof, the stock of such negligent stockholder shall be sold by the directors at public auction, giving at least twenty days' notice thereof in some newspaper published in the city of Elizabeth, and the proceeds of said sale shall be first applied in payment of the unpaid installments called for and the expenses attending the sale, and the balance, if any, shall be refunded to the owner of said stock, and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

Business of company.

4. *And be it enacted*, That the business of said company shall be the insuring for their lives, and of persons against the accidental loss of life or personal injury sustained either while travelling by railway, steamers or other modes of conveyance in the United States and other countries, or by accidents of any description, and contracts of insurance may be made on such terms and conditions and for such periods of time and confined to such persons from time to time, ordered and provided for by the by-laws of said corporation.

Election of directors.

5. *And be it enacted*, That the principal office of said company shall be located in the city of Elizabeth, and the stock, property and affairs of said corporation shall be managed and conducted by not less than five nor more than thirteen

directors, the majority of whom shall be citizens of the state of New Jersey (the number of said directors to be determined by the laws of said company), to be chosen by ballot from among and by the stockholders, and the directors first chosen shall hold office for one year next ensuing their election, and until others are chosen to supply their places, and the annual meeting for the choice of directors shall (after the first election) be holden at the office of the company in the city of Elizabeth on such day as shall be fixed by the by-laws of said corporation; in the choice of directors as aforesaid, each stockholder present or represented by his attorney shall be allowed one vote for each and every share of stock by him or her then holden, and none but the stockholders shall be eligible to the office of directors, and five directors may constitute a quorum for the transaction of businesss.

Not dissolved for failure to elect.

6. *And be it enacted*, That if it shall so happen that an election of directors of said corporation shall not take place at the time appointed for that purpose, said corporation shall not be dissolved thereby, but an election may be had at any time within one year thereafter, the time to be fixed upon and notice thereof given by the directors last chosen; and public notice by order of the directors shall always be given at least ten days previous to the time appointed for such election in a newspaper printed in the city of Elizabeth, and in such other way as may be deemed expedient, and the president shall have power to call special meetings of the stockholders whenever thereto requested by five of the directors.

Corporators to receive subscriptions.

7. *And be it enacted*, That to carry out the provisions of this act, and to organize the said corporation, the said corporators named in the first section of this act are authorized and appointed to receive subscriptions to the capital stock thereof and the first installment thereon, and as such are hereby authorized and appointed to receive subscriptions to the capital stock thereof, and the first installment thereon, and as such are hereby authorized to close the subscription books of said company when the said capital stock shall be fully subscribed, and to distribute and apportion the same among the subscribers as they (said persons so appointed as aforesaid to distribute) may think proper; and when the capital stock shall have been subscribed for and the first installment has been paid thereon, by a notice published in some newspaper printed in the city of Elizabeth, three weeks before

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the time of meeting, the said subscribers may meet together at the time and place named in said call and adopt such by-laws, rules and regulations as may be necessary and convenient for commencing and carrying on business under this act; they may also, at the same or some subsequent time, choose a board of directors in the manner hereinbefore provided, who shall hold their offices with all the powers given to directors by this act until others are chosen to supply their places; and when the by-laws have been adopted and the directors have been chosen as aforesaid, and when the board of directors shall have been organized by the choice of a president and secretary, the said corporation may exercise all the powers and privileges conferred by this act.

Duties and powers of directors.

8. *And be it enacted*, That the directors may choose a president, vice president, treasurer and secretary of their corporation, each of whom shall be citizens of the state of New Jersey, and appoint such other officers, clerks and agents, and establish such agencies in this state and elsewhere, as shall be by them deemed advisable for conducting the business of the company, fix their compensation, and take bonds for any and all of them for the faithful performance of their duties, and make such covenants and agreements as may be deemed necessary; the president and vice president shall be chosen from among the directors, and hold their appointments for one year and until others are chosen; but the other officers, agents and servants of said company may be displaced and new ones appointed at the will of the directors; in the absence or disability of the president, the vice president shall preside, and if both are absent or disabled the directors may choose a president pro tempore; and in case any vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders to fill such vacancy, who shall hold the appointment until others are chosen in their places.

Policies binding.

9. *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 corporation, and shall be binding and obligatory upon said corporation according to the true intent and meaning of such policies and contracts.

Monies, how invested.

10. *And be it enacted*, That the capital stock, moneys and personal estate of said corporation may be invested, at the discretion of the directors, either in loans upon bonds and mortgages upon real estate, or in United States stocks, bank

stocks, insurance stocks, or stocks or bonds created by any state, or of corporations created by this state, and the same may be called in and re-invested at pleasure under the provisions of this act; and it shall be the duty of said corporation to make annually a report to the legislature containing a full and accurate statement of its condition and affairs.

Suits at law may be brought.

11. *And be it enacted*, That suits at law may be maintained by any stockholder or person insured by said company against said corporation, for losses or injuries insured against by said company, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance or other contract, and after the said corporation shall have been duly notified of such loss or injury; 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," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same is applicable.

Act may be amended.

12. *And be it enacted*, That this act may be altered, amended or repealed at the pleasure of the legislature, and nothing contained therein shall be so construed as to authorize said company to engage in the business of banking.

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

Approved February 28, 1866.

CHAPTER LXXIV.

An act relative to the Central American Transit Company, incorporated by an act approved March twenty-eighth, eighteen hundred and sixty-two, and supplementary thereto.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Central American Transit Company, a corporation of this state, may issue bonds to any amount not exceeding the capital paid in at the time of their issue, and shall not be restricted as to the rate at which

the said bonds may be sold or disposed of, and this act shall take effect immediately.

Approved February 28, 1866.

CHAPTER LXXV.

An act making appropriation for the relief of the Keeper of the State Prison.

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty thousand dollars be and is hereby appropriated to the use of the keeper of the State Prison for the purpose of paying the present indebtedness and defraying such other expenses of the state prison during the current year of one thousand eight hundred and sixty-six.

State treasurer to pay keeper.

2. *And be it enacted*, That the state treasurer shall pay to the said keeper out of any funds in his hands not otherwise appropriated, the sum of twenty thousand dollars, in addition to the sum of ten thousand dollars which he is authorized to loan to said keeper by law.

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

Approved February 28, 1866.

CHAPTER LXXVI.

A supplement to the act entitled "An act to prevent the carrying on offensive trades and manufactures in the County of Bergen or County of Hudson, east of the Hackensack river, or within the corporate limits of the city of Paterson, in Passaic County," approved April sixth, eighteen hundred and sixty-five.

Part of former act repealed.

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, so far as the same relates to and affects the county of Bergen, be and the same is hereby repealed.

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

Approved February 28, 1866.

CHAPTER LXXVII.

An act to change the time of holding the annual town meetings in the township of North Brunswick, in the County of Middlesex, also to authorize raising money by ballot and for other purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual town meetings in the township of North Brunswick, in the county of Middlesex, shall hereafter be held on the second Monday in March in each and every year. Annual town meetings, when held.

2. *And be it enacted*, That the amount of money to be raised in and by the said township, and also the place for holding the next annual town meeting and other elections shall be voted for and determined by ballot and not otherwise, and the vote for the same shall be upon the same ballot with the township officers voted for at the said town meeting if any such officers are to be elected at the time when said moneys are voted for. Money to be raised to be voted for by ballot.

3. *And be it enacted*, That hereafter three persons only shall be elected to constitute the township committee, instead of five as heretofore. Township committee.

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

Approved February 28, 1866.

CHAPTER LXXVIII.

A further supplement to an act entitled "An act to incorporate the American Telegraph Company," approved March twenty-third, eighteen hundred and fifty-nine.

Number of directors increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of directors of the American Telegraph Company may be increased to sixteen, and the additional number hereby authorized may be chosen for the current year by the present directors and hold office until the election of others, and at and after the next election of directors such number of directors may be elected by the stockholders as a majority in interest of the stockholders may from time to time designate; and a majority in interest of the stockholders may also determine what number of the whole directors, less than a majority, may constitute a quorum for transacting business.

Capital stock may be increased

2. *And be it enacted*, That the directors of said company shall have power from time to time to increase the capital stock to an amount which shall not exceed in the aggregate five hundred dollars for each mile of telegraph wire upon or over the land, put up, owned, held, possessed or controlled by said company, and five thousand dollars for each mile of conductor in any telegraph cable that said company may own or hold, including the proportion of the whole number of miles in any telegraph line or cable the said company may own or hold in connection with other persons or companies which shall be equal to the proportion of stock or interest owned or held therein by the American Telegraph Company.

Powers of company.

3. *And be it enacted*, That said company may have the power from time to time to construct, purchase or procure other telegraph lines or cables, or acquire and hold an interest therein, which may be in whole or in part in other countries or in any ocean or waters, and may operate and control the same, and connect them with lines in the United States which the company are now or may be hereafter interested in, or may contract to make connection with; and may purchase or procure concessions, privileges or grants made or that may be made by other governments or in other countries for telegraph purposes, or any interest therein and may issue stock for the purpose of paying therefor.

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

Approved February 28, 1866.

CHAPTER LXXIX.

An act to incorporate the Newark and New York Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius Walsh, A. Hardenburgh, John McGregor, Theodore P. Howell, Edgar B. Wakeman, Job Falkenbergh, John Hall, Theodore Runyon, Benjamin C. Miller, G. Van Horn, Robert L. Smith, William Keeney, Isaac Pomeroy, Adolph Schalk, Philetus W. Vail, James W. Durand, Daniel Demarest and George D. Woodruff, 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 Newark and New York Railroad Company," and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name shall be capable of purchasing or otherwise receiving, and becoming possessed of and holding or conveying any real or personal estate, and shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of this act. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with liberty to the company to increase the same to one million 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 by their by-laws shall direct. Amount of capital stock.

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 one newspaper published at Newark and one in Jersey City; and that the said books shall be kept open for at least two days in Newark and two days in Jersey City, from ten o'clock in the forenoon until three o'clock Commissioners to receive subscriptions.

in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper, but no subscriptions to the said stock shall be received from any railroad or other corporation; and if more than five 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 one dollar and twenty-five cents shall be paid upon each share subscribed for to the said commissioners, and when one hundred and twenty-five 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, all of whom shall be residents of 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 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 necessary 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, all 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; 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 said corporation shall provide.

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

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 one dollar and twenty-five cents on each share, by giving twenty days' previous notice in a newspaper published at Newark, and in one published at Jersey City; *provided*, that no two instalments shall be demanded within twenty 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. Payment of installments. Proviso.

7. *And be it enacted*, That the president and directors of said company be and they hereby are authorized and empowered to survey, lay out and construct a railroad from some point in the city of Newark, through the counties of Essex and Hudson, to some point on or near the Hudson river, south of South street, in Jersey City, 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 the said company are invested with all the power 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 upon lands and waters for the purpose of exploring, leveling, surveying and laying out the route of such railroad and locating the same, doing no unnecessary damage to private property; and when the route and location of the 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 May construct railroad track.

enter upon, take possession of, hold, use, occupy and excavate any such lands and to erect embankments and bridges, and all other necessary works thereon, and to lay rails and to take such materials, 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 specified in section nine, with full right, power and authority to connect and contract with any other railroad corporation; *provided however*, if any cut or excavation is made through the town of Bergen, that the cut shall be walled upon both sides to the grade of the streets, and that a substantial iron fence be placed, and kept upon the top of this wall along the whole line thereof, except, where it is crossed by streets, and at the crossing of each street, there shall be an arch built over the said cut, the entire width of said street the crown of which shall be five feet below the grade of the street, so that gas and water pipes may pass over the arch; on the side of the arch facing the cut, it shall be substantially walled up two feet above the grade of said street, and a substantial iron fence shall be set into this wall, which shall connect with the fences on the sides of the cut, and the railroad company shall fill in with earth, over said arches to the grade of each street, and *provided also* that in making the said cut or excavation, sufficient space shall be allowed on each side, between the retaining walls and the track or tracks of said railroad, to allow good and substantial drains or sewers to be constructed, and for the present an open culvert or ditch shall be constructed by said railroad company, so as to allow the surface water from the adjoining lands to pass off freely, and that when the town of Bergen shall adopt a more perfect system of drainage, the town council, or their successors, shall have the privilege of constructing proper drains on each side of said track or tracks in the space above alluded to, they agreeing not to obstruct the traffic of said railroad; and *further provided*, that said road after its intersection with the Morris canal, shall not be constructed upon a line north nearer than one thousand feet from the residence of Andrew McKnight, and Peter Vreeland, and that it shall not be lawful for said company to lay out or construct the said railroad in the county of Hudson north of the Newark plank road nor within one thousand feet thereof in that county; and that it shall not be lawful for said company to sell, lease or in any

Proviso.

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manner dispose of their charter or any of their franchises to any other company, corporation, person or persons, or to allow any other company or corporation directly or indirectly to acquire, assume or exercise any control over the same, except as herein otherwise provided.

Proceedings when company and owners 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 lands and materials for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of said road shall be given in writing, under 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 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 as 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 or materials 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 proceed to view and examine said lands and materials, 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 appraisement or esti-

mate of the value of the said lands and materials, and an assessment of damages which shall be paid by the company for such lands and materials and damages aforesaid; which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands and materials 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 any 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 lands and materials; 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 in case of disability.

9. *And be it enacted*, That in case the said company or owner or owners of the said land or material shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands and materials 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 partywithin 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 and materials 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 materials 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 or materials 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 in 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. Proviso.

10. *And be it enacted*, That it shall be the duty of 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 if this railroad cross the New Jersey Railroad and Transportation Company's track, it shall not cross such track on the same level, but shall pass over or under upon such a grade as will permit the locomotives and cars of either company to pass without obstructions; and the said company may build bridges over the Passaic and Hackensack rivers and other navigable streams within the line of their road; and in the bridge they build over the Passaic river they shall put a pivot draw with two openings, each of no less width than the widest opening in any bridge now built over that river or over Newark bay, at right angles to the main channel, located at a point convenient for navigation; and in the bridge they build over the Hackensack Bridges to be erected.

river they shall put a pivot draw with two openings, each of no less width than the widest opening in any bridge now built over that river, and at right angles also to the main channel thereof, located at a point convenient for navigation; and said company shall at all times when the Passaic and Hackensack rivers are navigable, for the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light on each inner side of said draws, which shall be lighted every evening before it grows dark and be kept lighted till daylight, and shall also keep or cause to be kept a suitable person or suitable persons at each of said bridges to open the draws for the free passage of all vessels with standing masts or pipes; and for each and every neglect to keep such light and to open the draw when necessaay, the said company shall forfeit and pay the sum of fifty dollars, to be recovered, with costs, in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect.

Lands or materials of other corporations may be taken.

11. *And be it enacted*, That should it become necessary in carrying out the provisions of this act to take the lands or materials belonging to any other corporation or corporations, not absolutely necessary to such corporation or corporations in the exercises of their franchises, such lands and materials may be taken in the same manner as hereinbefore provided in section eight, with the same right of appeal to either party aggrieved as provided in section nine hereinbefore.

Rates of transportation.

12. *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 fifteen cents for each passenger carried over said railroad, and two dollars per ton for the transportrtion of every species of heavy merchandise 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 one dollar for every ton and ten cents for every passenger carried

Proviso.

on said road in the carriages of others, and one dollar 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 rate 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 said road is completed, shall abandon the same or cease to use and keep it in repair for three successive years, that then and in that case the franchises granted to said company by this charter shall be annulled and the title to the lands over which the said 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 are 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. Proviso. Proviso.

13. *And be it enacted*, That the president and directors shall, within one year after the said road 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 dividends and pay the same to the stockholders or their legal representatives in proportion to the amount of stock held by them respectively. Dividends.

14. *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 expe- May purchase and hold lands, &c.

dient for the safety of their property and other necessary uses appertaining to their business; and that if the line of said road shall pass through the town of Bergen or the town of Greenville, then and in that event a depot shall be established and maintained in said towns.

Penalty for injuring works.

15. *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.

Tax to be paid.

16. *And be it enacted*, That as soon as the said railroad with its appendages shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation a statement of the amount of the costs of said road, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of state of this state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and from and after the said railroad, or any part thereof, shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the capital stock of said road, to be paid annually thereafter on the first Monday in January of each year, and such other state tax as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws.

State may take road on payment of appraisement

17. *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 railroad and the appendages 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 appraisement, 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 payment to the said company of the amount so reported; *provided*, that the valuation of said road and the appendages shall in no case exceed the cost thereof. Proviso.

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

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and 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 its annual or other sessions, may pass and repass upon said road in the cars of the company free of charge. Who may ride free.

Approved March 1, 1866.

CHAPTER LXXX.

An act to defray Incidental Expenses for the year eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the payments made by David Naar, state treasurer, to several creditors of the state for claims included in the incidental bill of the year eighteen hundred and sixty-five, amounting, as by the report of the Treasurer to pay certain amounts.

said treasurer, under date of the twentieth day of January, eighteen hundred and sixty-six, to the sum of twenty-one thousand five hundred and sixty dollars and twenty-three cents ($21,560 23), for the items hereunder mentioned, viz:

C. J. Ihrie, item number fifty-six, three hundred and twelve dollars and fifty-nine cents,	$312 59
Charles B. Cogill, item number forty-two, eighty-one dollars and fifty cents,	81 50
Titus H. Stout, item number fifty-four two hundred and fifty dollars,	250 00
Upton and Miller, items numbers three, thirty-four and sixty-five, one thousand one hundred and two dollars and eighty-one cents,	1,102 81
Anthony Rowley, items numbers fifty, fifty-seven and sixty-four, two hundred and fifty-seven dollars and ninety-seven cents,	257 97
A. Kessler, item number forty, fifty-eight dollars and three cents,	58 03
John D. Rowley, item number eighty-one, forty-eight dollars and ninety-five cents,	48 95
Joshua Jeffries, item number fifty-five, sixty-nine dollars and ninety-one cents,	69 91
William T. Nicholson, item number eighty-two, three hundred and forty-one dollars,	341 00
Hough and Yard, items number sixty-eight, seventy-two and seventy-five, forty-six dollars and twenty-five cents,	46 25
Benjamin S. Disbrow, items number sixteen, twenty-four and ninety-two, two hundred and seventeen dollars and sixty-five cents,	217 65
S. M. Dickinson, item number eighty-four, three hundred dollars,	300 00
Alexander Rickey, item number eighty-three, one hundred and forty-four dollars,	144 00
Murphy and Bechtel, items number thirty-nine, seventy and seventy-three, three hundred and sixty-seven dollars and ninety cents,	367 90
John C. Disbrow, item number one hundred and nine, sixteen dollars,	16 00
Elias Cook, item number one hundred and two, one hundred and forty dollars and ninety-eight cents,	140 98
David Clark, items number six, seven, nine, ten, eleven, twelve, thirteen, fourteen and thirty-three, two thousand one hundred and fifty-seven dol-	

lars and ninety-nine cents,	2,157 99
Charles Scott, items numbers thirty-seven, fifty-one, fifty-two, fifty-eight, fifty-nine, sixty-two, sixty-six, one hundred and three, one hundred and four and one hundred and five, two thousand eight hundred and seventy-one dollars and eighteen cents,	2,871 18
Henry Cook, item number twenty-nine, one hundred dollars and fifty cents,	100 50
Jonathan S. Fish, item number forty-nine, twenty-four dollars,	24 00
Brearley, Cogill and Company, item number forty-three, three hundred and twenty-two dollars and sixty-seven cents,	322 67
D. W. Lockwood, item number eighty-eight, one hundred dollars,	100 00
Titus and Scudder, items number nineteen, forty-four, forty-five and forty-six, two hundred and thirty-three dollars and ninety-eight cents,	233 98
Sylvester Vansickel, items number eighty-six and ninety-one, one hundred and forty-one dollars and thirty-six cents,	141 36
John A. Howell, item number eight, three hundred and seventy dollars and fifty-five cents,	370 55
John Muirheid, item number forty-eight, twenty-four dollars,	24 00
James Murphy, item number sixty-three, twenty-three dollars and fifty-three cents,	23 53
Samuel Johnston, item number eighty-five, eighty-seven dollars,	87 00
Willet Hicks, items number sixty and sixty-one, fourteen dollars and thirty-one cents,	14 31
Amos Robins, item number thirty-eight, fifty dollars,	50 00
David S. Anderson, item number forty-one, thirty-five dollars and eighty-two cents,	35 82
John S. Chambers, item number seventy-four, two hundred and two dollars and fifty-two cents,	202 52
Robert C. Bacot, items number thirty and one hundred and ten, one thousand three hundred and ninety-nine dollars,	1,399 00
George W. Cook, item number thirty-one, one hundred dollars,	100 00
John A. Weart, item number thirty-eight, fifty dol-	

lars, 50 00
John H. Landell, item number fifty-three, fifty dollars and fifty-six cents, 50 56
E. H. Landell, item number twenty-three, one hundred and forty-seven dollars, 147 00
O. A. Douglass, item number eighty-five, eighty-seven dollars, 87 00
Joseph C. Paul, item number seventy-six, sixty-four dollars and sixty-five cents, 64 65
Charles P. Smith, item number ninety-four, one hundred and fifty-four dollars and fifty cents, 154 50
Furman and Kite, item number forty-seven, eleven dollars and forty-one cents, 11 41
Edward W. Scudder, item number thirty-eight, fifty dollars, 50 00
John O. Raum, item number seventy-one, two hundred and eighty-six dollars and sixteen cents, 286 16
John R. Post, item number eighty-five, eighty-seven dollars, 87 00
John P. Lansing, item number ninety-five, ten dollars, 10 00
James C. Manning, item number eighty-eight, sixty-three dollars, 63 00
Providence Ludlum, item number thirty-eight, fifty dollars, 50 00
George B. Cooper, clerk of assembly, item number ninety-seven, five thousand seven hundred and thirty-five dollars, 5,735 00
Amos Robins, chairman senate committee on stationery, item numberr ninety-eight, one thousand four hundred dollars, 1,400 00
Amos Robins, chairman senate committe on stationery for clergy, item number ninety-nine, three hundred dollars, 300 00
Bernard Kearney, chairman committee of house on stationery for clergy, item number one hundred, two hundred dollars, 200 00
John H. Low, keeper of ladies' gallery of house, item number one hundred and six, four hundred dollars, 400 00
C. C. Stewart, keeper of ladies' gallery of senate, item number one hundred and eight, four hundred dollars, 400 00
be and the same is hereby legalized.

2. *And be it enacted*, That it shall be lawful for the treasurer to pay upon warrants of the comptroller to the persons hereinafter named, the sums set against their names respectively for claims stated in the incidental bill aforesaid, with interest thereon as follows, to wit;

Item number one, J. O. Seymour and company, twelve hundred and thirty-four dollars and fifty cents,	1,234 50
Item number two, Latimer Brothers and Seymour, one hundred and twenty dollars,	120 00
Item number four, Levi Scobey, two hundred and fifty dollars,	250 00
Item number fifteen, T. B. Peddie, fourteen dollars,	14 00
Item number seventeen, Baker Brothers, twenty-four dollars and fifty cents,	24 50
Item number eighteen, Applegate and Norton, twenty-four dollars and seventy-five cents,	24 75
Item number twenty, Eben Winton, fifty dollars,	50 00
Item number twenty-one, Louis C. Voght, fifty dollars,	50 00
Item number twenty-two, Stewart and Pittinger, one dollar and seventy cents,	1 70
Item number twenty-five, G. Van Wagner, two dollars,	2 00
Item number twenty-six, State Gazette and Republican, four dollars,	4 00
Item number twenty-seven, Camden Democrat, two dollars,	2 00
Item number twenty-eight, Trenton Monitor, two dollars and thirty-two cents,	2 32
Item number thirty-two, A. W. Cutler, sixty-seven dollars,	67 00
Item number thirty-five, Martin R. Dennis, twelve dollars and twenty cents,	12 20
Item number thirty-six, James G. Irvins, one thousand one hundred and seventy dollars,	1,170 00
Item number thirty-eight, John Van Vorst, fifty dollars,	50 00
Item number thirty-eight, Philip A. Dougherty, fifty dollars,	50 00
Item number thirty-eight, Israel Heulings, fifty dollars,	50 00
Item number thirty-eight, Charles A. Lighthipe, fifty dollars,	50 00

Item number sixty-seven, Peter Katzenbach, seventeen dollars and fifty cents, 17 50
Item number sixty-nine, John P. Hutchinson, six dollars and forty-three cents, 6 43
Item number seventy-seven, James A. Britten, twenty dollars, 20 00
Item number seventy-eight, Brearley, Cogill and Company, twelve dollars and fifty cents, 12 50
Item number seventy-nine, Reuben Bechtell, four dollars and fifty cents, 4 50
Item number eighty, David Naar, two dollars, 2 00
Items number eighty-five and eighty-eight, Levi Scobey, one hundred and two dollars, 102 00
Item number eighty-seven, John T. Page, three dollars and twenty-two cents, 3 22
Item number eighty-eight, Leon Abbett, thirty-five dollars, 35 00
Item number eighty-eight, William Pinney, seven dollars, 7 00
Item number eighty-eight, Sherwood and Hayne, two hundred and seventy-six dollars, 276 00
Item number eighty-eight, James L. Northrop, eighty dollars, 80 00
Item number eighty-nine, John L. Taylor, twenty dollars, 20 00
Item number ninety, William K. Anderson, ten dollars, 10 00
Item number ninety-three, John Kruber, thirty dollars, 30 00
Item number ninety-six, Rudolph Prussen, two dollars, 2 00
Item one hundred and seven, John T. Alcott, one hundred dollars, 100 00
Approved March 1, 1866.

CHAPTER LXXXI.

An act to reimburse certain drafted men in the township of Tewkesbury, county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the*

State of New Jersey, That the proceedings of the town meeting of Tewkesbury township, in the county of Hunterdon, on the tenth day of April, A. D. eighteen hundred and sixty-five whereby a resolution was passed by the inhabitants of said township, regularly convened, that a tax should be levied upon the property, real and personal of said townships, for the purpose of paying to twenty-five men who were drafted (each of whom that furnished a substitute received only the sum of three hundred dollars from said township, while other drafted men on subsequent calls received greater sums), the sum of three hundred dollars, to each of such drafted men, provided the substitute or substitutes furnished by any one or all of such drafted men cost the sum of six hundred dollars; and if such substitute or substitutes cost a less sum then only so much as they originally cost, be and the same are hereby made legal and binding upon the said township. Proceedings of town meeting legalized.

2. *And be it enacted*, That the treasurer of said township committee shall be hereby authorized to pay to each and every person to whom any sum is due as aforesaid, the amount of such sum with interest from the tenth day of April upon the passage and approval of this act, provided that such drafted men shall receive their own notes in payment or part payment thereof. Proviso.

3. *And be it enacted*, That the said money shall be raised by tax assessed, levied and collected in the same manner that other taxes are assessed and collected and at the same time. Money to be raised by tax.

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

Approved March 1, 1866.

CHAPTER LXXXII.

A supplement to an act entitled "An act to incorporate the town of Clinton, in the townships of Clinton, Franklin and Union, in the county of Hunterdon," approved April the fifth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town of Clinton created by Town of Clinton.

the act to which this is a supplement, shall be and hereby is joined to and made a part of the third assembly district of the county of Hunterdon, and as such is entitled to representation therein.

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

Approved March 1, 1866.

CHAPTER LXXXIII.

An act to authorize a connection between the Belvidere Delaware Railroad and the railroads passing over it in the town of Phillipsburg.

Preamble.

WHEREAS, the bridge over the Delaware on which the Lehigh Coal and Navigation Company's Railroad is to cross said river to this state at the town of Phillipsburg is so to be constructed as to extend over the Belvidere Delaware Railroad at a higher level than the said last named railroad, so that the two railroads cannot connect at the point where they cross each other; and whereas, it is important that a connection be made between said railroads, as well as between said Belvidere Delaware Railroad and other railroads passing over it; now therefor,

Power to construct connecting railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Belvidere Delaware Railroad Company be and they are hereby authorized and empowered to lay out and construct a connecting railroad commencing on the main line of the Belvidere Delaware Railroad at or above the Trenton Iron Company's furnace, and extending in a northwesterly direction to the east end of the Lehigh Coal and Navigation Company's Railroad bridge aforesaid, and to connect with the said Lehigh Coal and Navigation Company's Railroad and with the Lehigh Valley Railroad where it passes over the Belvidere Delaware Railroad at a higher level, and also to connect with any other railroad that may from time to time be built crossing over said Belvidere Delaware Railroad in the town of Phillipsburg.

2. *And be it enacted*, That when the said connecting rail-

road shall be located and a survey thereof filed in the office of the secretary of state, the said Belvidere Delaware Railroad Company are hereby invested with the same powers to acquire the right of way for said connecting railroad, including sidings for coal trains not exceeding one hundred feet in width, as were granted for acquiring the right of way for their main line, and to construct and operate said connecting railroad under the same laws which are or shall be in force on their main line. Survey to be filed.

Approved March 1, 1866.

CHAPTER LXXXIV.

An act to incorporate the People's Mutual Fire and Marine Insurance Company of Newark, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name of the "People Mutual Fire and Marine Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law or equity, and by that name may have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company, and may also have a common seal and alter and renew the same at their pleasure. Corporate name.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to one million dollars at any time during the continuance of this charter.

3. *And be it enacted*, That the capital stock may be increased at any time by the directors to such amount as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscrip- Amount of capital stock.

Books to be opened for subscriptions to increased stock.

tion for said increased stock, after giving twenty days' previous notice in a newspaper published in the city of Newark; and the persons who shall then own the stock of said company shall have the privilege, for five days, of subscribing for said increased stock, and after that time, if not subscribed for by said stockholders, it may be subscribed for by others; and the terms of said subscription shall be fixed and determined by the said directors and notice given as above directed.

Election of directors.

4. *And be it enacted*, That the stock, property, affairs and concerns of said company shall be managed and conducted by twenty-one directors, seven of whom shall constitute a quorum to transact business, who may respectively hold their office for one year and until others may be chosen; and shall at all times during their continuance in office be stockholders in the said company in their own right, and the said directors shall hereafter be elected on the second Monday of January in each and every year, at such hour of the day and at such place in the city of Newark as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper published in the city of Newark at least ten days previous to such election; and every such election shall be by ballot and by a plurality of the stockholders, in person or by proxy; and the first directors shall be John G. Trusdell, Oliver Reeves, John H. Kase, John A. Boppe, John H. Meeker, Theophilus Frey, John McGregor, William Bellamy, Roscoe Gould, John W. Corey, Joseph Booth, Charles L. C. Gifford, Philetus W. Vail, James Peck, Matthias M. Dodd, William Bush, Viner J. Hedden, Cornelius Walsh, Charles A. Lighthipe, Isador Lehman and Joseph Pienovi, junior, who shall respectively hold their office until the second Monday of January in the year of our Lord one thousand eight hundred and sixty-seven, and until other directors are chosen in their stead.

First directors.

Powers of directors.

5. *And be it enacted*, That the directors before mentioned shall, as soon as conveniont after the passage of this act, choose out of their body a president, who shall preside until the next annual election thereafter, and any vacancy in the office of president or director may be filled by a majority of the directors, at a meeting to be called as the by-laws may provide; and in the absence of the president, the directors may appoint a president pro tempore, who shall exercise such powers and duties as the by-laws shall prescribe; and the board of directors shall have power to appoint a secre-

tary, and such other officers as may be necessary to manage the business of the company, and to allow them, respectively, such compensation for their services as in their judgment may be reasonable.

Business of company.

6. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings and personal property of all kinds against loss or damage by fire, upon such rates and conditions as shall be contained and stated in the policy of insurance, and may also insure ships and other vessels, rights, interests and property against every description of casualty incident to inland and marine transportation.

Policies and contracts.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or by such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary, and when so subscribed and attested, the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committee or otherwise, and the same shall be binding and obligatory on the said company.

Stock transferable.

8. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company.

May purchase and hold lands, &c.

9. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall or may be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate or securities mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and to redeem the moneys so pledged or secured, either at law or equity; and also to purchase on sales made under judgments at law or done in equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of in-

vesting any part of their capital stock, funds or money, may purchase and hold any public stocks created by the incorporated cities, and of the townships and counties of this state, or of the United States, or the states of New York, Ohio, Pennsylvania, Massachusetts or Connecticut, as also of the stocks or other securities created by said states or the United States, or in bonds secured by mortgages on unincumbered real estate within this state, worth double the amount of money invested or loaned.

Dividends

10. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives.

Persons insuring may participate in profits on conditions.

11. *And be it enacted*, That all persons who shall insure with the said corporation may participate in its profits during the period they remain insured by the same, upon such terms and conditions as the directors by their by-laws may fix and determine; and the power conferred in this section shall not prevent the said company from issuing policies of insurance without the parties participating in the profits of the company, if desired by the insured.

Limitation.

12. *And be it enacted*, That this act shall be and remain in force for the term of fifty years and shall take effect immediately.

Approved March 5, 1866.

CHAPTER LXXXV.

An act to incorporate the town of Hammonton, in the township of Mullica, in the county of Atlantic.

Boundaries of town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of Mullica and Hamilton, in the county of Atlantic, lying within the following described boundaries, to wit: beginning at a point in the Mullica River, at the intersection of Camden and Atlantic counties, thence along the division line of said counties southwesterley to a point, said point being the centre of a certain road known as "Third Road,"

as laid down on the plans of the "Weymouth Farm and Agricultural Association," thence in a southeasterly course along the centre of said road to the centre of a certain street called "Seventh street," as laid down on said plan, thence along the centre of said Seventh street in a northeasterly course to the line of the Camden and Atlantic railroad, and still by the same course as said Seventh street in a direct line to a point in the centre of the Mullica river, thence by the centre of said stream in a northwesterly direction to the place of beginning, be and the same is hereby formed into a town corporate, to be designated and known as the town of Hammonton, and all the citizens of this state who are now, or who hereafter may be inhabitants within said limits, shall be and they are hereby constituted a body, politic and corporate in law, by the name of the town of Hammonton.

Town officers.

2. *And be it enacted*, That the officers of said town shall consist of six councilmen, a town clerk, who shall also be the clerk of elections, three assessors, a collector of taxes, a superintendent of schools, two school examiners, one overseer of the streets and highways, one treasurer, one judge of elections, one or more constable, one justice of the peace, one overseer of the poor, one pound keeper, two freeholders, commonly called chosen freeholders, three commissioners of appeal in cases of taxation, all of which officers shall hold their offices for one year, except councilmen and assessors, the former shall serve two years, and the latter three years, but on the first election, three councilmen shall be elected to serve two years, and three for the term of one year, and on the following annual town meetings thereafter, there shall be elected three councilmen to serve in their office for the term of two years each; the councilmen shall receive no salary for their services, but shall render the same to the town without pay; the assessors shall serve three years, but on the first election three shall be elected to serve respectively one, two and three years, and on the annual town meetings thereafter there shall be elected one who shall serve in his said office for the term of three years; said assessors when elected shall constitute a board of assessment for said town, and shall annually elect one of their number to be chairman of said board, whose duty it shall be to act as one of the judges of elections; the town clerk shall receive fifty dollars per annum, the assessors each twenty-five dollars per annum, the collector of taxes fifty

dollars per annum, the superintendent of schools shall receive for each day's actual service he shall render the town the sum of one dollar and fifty cents, the overseer of the streets and highways for each days actual service rendered to the town the sum of one dollar and fifty cents, the treasurer shall receive fifty dollars per annum; and all other officers shall be entitled to the same fees as the officers in townships now receive; all said officers, except councilmen and assessors, shall be elected annually by ballot on the second Wednesday in March, in the same manner as township officers are now elected, the election to be held and conducted by the judge of election and the clerk of election, in the same manner and under the same regulations as prescribed by law for the election of members of the legislature, except the hour of opening and closing the polls, which shall be regulated by a vote of the town at any regular town meeting; and the return of all elections of town officers shall be stated and signed by the judge thereof and attested by the clerk, and within forty-eight hours after the closing of the polls, filed in the office of the town clerk, who shall, within five day's thereafter, also file a true copy of said return in the office of the clerk of the county of Atlantic.

Who may vote.

3. *And be it enacted*, That every person who would by the laws of this state be entitled to vote in said town at an election for members of the legislature if held on that day, shall be entitled to vote at the town elections above designated, and the person or persons receiving the greatest number of votes of those given in the town for any town officer to be elected at such election, shall be deemed elected for the office designated by such votes, and the judges shall in the said return designate who are elected to the several offices to be filled at such election.

Board of elections.

4. *And be it enacted*, That the following persons, viz: G. W. Pressey, P. H. Brown and William A. Elvins, act as judges and Gerry Valentine as clerk of the first election, and that all future elections to be held for county and state officers within said town shall be held by the judge, chairman of the board of assessors, collector and clerk of said town provided for by this act, or in the absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner now prescribed by the laws of this state in such cases.

Elections, where to be held.

5. *And be it enacted*, That the places at which all elections shall be held shall be designated by the councilmen herein

provided for, excepting the first election under this act, which shall be held in "Elvin's Hall," in said town of Hammonton, and shall be published or advertised by the town clerk in five of the most public places in the town, at least ten days prior to any such election.

Corporate powers.

6. *And be it enacted*, That the said corporation shall and may have power by the title of "The Town of Hammonton," in the county of Atlantic, to sue and be sued, answer and defend, plead and be impleaded unto, in any of the courts of this state, and may have a common seal, alterable at pleasure.

Powers of council.

7. *And be it enacted*, That the legislative power of said corporation shall be vested in the councilmen, who shall also for the purposes of this act do and perform the duties of and be invested with the power and authority of the township committees of the township of this state, in all cases wherein the exercise of such powers and duties shall be required in said town, and said councilmen shall annually elect one of their number to be chairman, and in his absence a chairman for the time being, appoint their times and places of meeting, determine the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, and shall have power and authority to pass ordinances and resolutions pertaining to the purposes and objects of said corporation and necessary and proper for the carrying out of the provisions of this act, and shall have power and authority to fill any vacancy that may occur in their number, either from removal, death or resignation, or until others shall be elected in their place.

Officers to give bonds and be sworn.

8. *And be it enacted*, That the councilmen may, in addition to the official bonds now required from officers elected at township meetings, require such other bonds for the faithful performance of the trusts and duties of any officers elected by virtue of this act as said councilmen shall deem expedient, and no officer elected under this act shall enter upon the discharge of his duties unless, within ten days after his election, he take and subscribe before the town clerk an oath or affirmation faithfully and impartially to execute the trust imposed in him, which oath the said clerk is hereby authorized and empowered to administer, and shall keep all such oaths and affirmations on file in his office, and the clerk himself shall make a like oath or affirmation before some justice of the peace in said county, which shall by the coun-

cilmen be filed in the office of the clerk of the county of Atlantic.

Duties of treasurer.

9. *And be it enacted*, That the treasurer shall receive all moneys collected by said corporation from the persons who shall collect the same, and shall pay out the same only upon warrants from the councilmen, signed by their chairman, and countersigned by the town clerk, except for the payment of bonds of the town, and certificates of indebtedness for improvements given by the said corporation, and interest on the same, and money paid into the treasury for the redemption of property sold for taxes and assessments, and no warrants on the treasurer shall be so drawn except in pursuance of an order of the councilmen, passed at a stated meeting and entered on their minutes; all such warrants shall be made and numbered, payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Duties of clerk.

10. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act or any other act of this state, have charge of all of the records, books and documents of the town, except when the councilmen shall otherwise direct; he shall keep a record of the proceedings of the councilmen, he shall engross all the ordinances and resolutions of the councilmen in books to be provided for that purpose, with proper indices, for which service he shall be entitled to receive, in addition to his salary, the sum of six cents per folio; said books shall be deemed a public record of such ordinances and resolutions, and shall be signed by the chairman or acting chairman of the councilmen and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the councilmen, and copies of the law or ordinances of said town, certified by him under the corporate seal, shall be evidence in all courts and places.

Police powers of councilmen.

11. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the town, for the preservation of the peace or of good order or morality, and to bring or cause such persons to be brought before a justice of the peace to be dealt with according to law.

12. *And be it enacted*, That the official term of the several

persons who shall be elected in pursuance of this act shall commence on the last Monday of March after their election, and shall continue in office until the end of one year from that date (except councilmen and assessors, their term of office shall be two years for the former and three years for the latter), but on the first election there shall be elected three councilmen for the full term of two years, and three for the term of one year; and at every election hereafter there shall be elected at each election of town officers three councilmen for the term of two years, said councilmen must be freeholders of the town of Hammonton; and on the first election aforesaid there shall be elected three assessors to serve respectively one, two and three years, and on the annual town meetings thereafter there shall be elected one who shall serve in his said office for the term of three years. Terms of office.

13. *And be it enacted*, That the election of a justice of the peace in said town shall be held and conducted as heretofore, as if this act had not been passed. Justice of the peace.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question, to which issue or investigation the "Town of Hammonton" is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant, freeholder or freeman of said town. Inhabitants not incompetent as witnesses, &c.

15. *And be it enacted*, That the councilmen shall, at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town. Annual statement.

16. *And be it enacted*, That all taxes and assessments made and due before this act takes effect, in the townships of Mullica and Hamilton, and the town of Hammonton, as hereby constituted, shall be collected in the name of such of the three corporations as may be entitled to collect the same, and the property liable to be sold therefor shall be sold as if this act had not been passed, and any duty in such collection and sale imposed upon any officer in such present corporation shall be performed by the corresponding officers Present taxes.

of the town of Hammonton under this act, and such officers shall be so liable to the debts, claims and rights in action which the like officers in townships are liable to, and all ordinances and resolutions heretofore passed by the township committee of Mullica and Hamilton that may be in force when this act goes into effect, so far as the same are not inconsistent with this act, shall remain in force until altered or repealed by the councilmen of the town of Hammonton hereby provided for.

Taxes, how assessed.

17. *And be it enacted*, That all taxes for the purposes of the town shall be assessed by the assessors, who shall be elected in pursuance of this act, upon all the property, both personal and real, situated in the corporate limits of said town, in the manner and within the time directed by the laws of this state for assessing township, county and state taxes; and all taxes so assessed for town purposes shall be collected by the collector in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the town treasurer as soon as collected, and before the thirtieth day of December in each year, and no property whatever situated within the bounds of said town shall be exempt from taxation, excepting only such property as may be held or owned by the said town of Hammonton in its corporate capacity, and such property as may belong to any fire department of said town, and all churches and school houses, and church and school house property in said town.

List of delinquents.

18. *And be it enacted*, That the collector of the said town, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sums due from them respectively thereunto annexed, and deliver the same to the clerk of the town, on or before the thirtieth day of December in each year, except when that day shall be Sunday, and then the next day following, and it shall be the duty of said clerk to lay the same before the councilmen at their meeting held next after the same shall be delivered to him, and thereupon the said councilmen shall deliver the same to the justice of the peace residing in said town, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of taxes, who shall have power to collect the same in like manner in all things as the constables in the townships are directed by law; *provided*, that such col-

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lector shall before he delivers such lists to the clerk, take and subscribe an oath or affirmation before the justice of the peace in said town, that the moneys in said list mentioned have been duly demanded, or due notice given thereof at the usual place of residence of each delinquent who could be found or may then reside in the said town.

Interest of twelve per centum per annum.

19. *And be it enacted*, That whenever, within the town, any tax shall remain unpaid after the twentieth day of December, in every year, it shall be lawful for the collector of taxes to charge, receive and collect, in addition to the amount of said tax, interest thereon to be computed at the rate of twelve per centum per annum, from the said twentieth day of December until the same is paid, and such interest shall be paid over by the said collector, to the treasurer of said town, in like manner and at the same time as he may be required to pay over to said treasurer all the taxes by him collected.

Taxes to be a lien on real estate.

20. *And be it enacted*, That all taxes and all assessments which shall hereafter be levied, assessed, or made upon any lands, tenements, or real estate situate in the said town of Hammonton, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the councilmen for the payment thereof, it shall and may be lawful for the councilmen to cause such lands, tenements, or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon and all costs, charges and expenses and to execute, under the common seal of said town, a declaration of such sale to be signed by the chairman of the councilmen and the town clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said land, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming, under him or them, until said term shall be completed and ended; *provided*, the said councilmen shall first have caused said sale to be advertized for at least sixty days, in at least one public newspaper generally circulated in said town, and also by advertisement put up in at least five public places in said town, which advertisement shall describe

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the said lands, tenements or real estate, and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also,* that the lands, tenements, or real estate so sold, may be redeemed by the owner, mortgagee, occupant, or persons interested therein, or by any other persons for or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments or both, by paying to the treasurer of the town, for the use of said purchaser the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of the town, stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months notice in writing shall have been given to him by the purchaser, or those claiming under him either personally, or if not to be found in the said town of Hammonton, then such notice shall be deposited in the post office nearest to said town, directed to him at his last known place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided,* the said term of time for which any lands, tenements, or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wears and accidents excepted; *provided also,* that the said sale may be adjourned or postponed from time to time, or suspended as the councilmen may direct; *and provided,* that

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if at any sale of lands, tenements or real estate for assessments or taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the said councilmen to adjourn the said sale not less than thirty days, nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the said adjourned sale; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of said town to purchase the said lands, tenements or real estate for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgage or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, judgment shall be paid out of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid (and if the property had been sold therefor), the time of said sale, and to whom sold, and if redeemed, when, and by whom; it shall be the duty of the town clerk to record in a book to be called "record of sales," all declarations of sale, and to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to file in the said clerk's office.

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21. *And be it enacted*, That all state and county taxes shall be assessed and collected by the assessors and collector of said town, in like manner as township taxes are assessed and collected, and the same shall be paid over by the town collector to the county collector in like manner and under like

State and county taxes how assessed and paid.

penalties as township collectors are directed by law.

Assessors to have vote.

22. *And be it enacted*, That the assessors authorized to be elected by this act, shall have the like vote which the assessors of townships may have by the laws of this state in the county board of assessors, to wit, one vote which shall be cast by the chrirman of the board of assessment of said town.

Powers of corporation.

23. *And be it enacted*, That the said corporation may by their title of the "Town of Hammonton," have power to pass enforce, alter and repeal ordinances to take effect within said town of Hammonton, for the following purposes to wit, to ascertain and establish the boundaries of all streets, roads and avenues in said town, and to prevent and remove all encroachments and nuisances in and upon any street, or any part thereof, lot or enclosure, place or places, in said town, and in every other respect to secure to the public and adjoining owners the safe and convenient use of the streets and sidewalks for the purpose for which they are, or may be laid out and dedicated; to prevent and prohibit all quadrupeds from running at large in said town; to make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements; to prevent immoderate driving in the streets, and driving over or upon sidewalks; to prevent riots, routs, disturbances or disorderly assemblages in any street, house or place in said town; to prevent and suppress gaming houses and to prohibit gaming; and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to suppress vice and immorality, to license, regulate and to prohibit inns or taverns, and to prohibit all traffic in, or sale of intoxicating drink or drinks, and to license, regulate and to prohibit hawkers and peddlars upon such terms and under such regulations and penalties as the councilmen shall by ordinance impose; and no other license for such purposes within said town, granted by any other authority, shall be lawful except licenses granted by the governor to hawkers and pedlars; and to prescribe the duties and compensation of all officers not defined by this act or the statutes of this state; *provided*, that no ordinance or by-law shall be enacted or passed by the said councilmen unless the same shall have been first introduced at a previous stated meeting, and agreed to by at least four of said councilmen upon the passage thereof; all penalties for violation of any ordinance of said town, shall be sued for and recovered before the justice of the peace of said town, in an action of

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debt, and execution may be issued against the goods, chattels and body of the defendant; *provided*, no penalty for violation of any ordinance shall exceed ten dollars or imprisonment for more than ten days. Proviso.

24. *And be it enacted*, That it shall be lawful for the board of councilmen by ordinance, to lay out, open, widen, alter, grade, pave, macadamize, gravel, curb, and gutter any street, road or avenue in said town, or any part thereof in said town; lay side and cross walks thereon, build, open sewers, drains and receiving basins in and upon any street, road or avenue in said town, or any part thereof, on the application in writing to the said board of councilmen by some of the owners of the lands over which such improvements shall pass; and all such applications shall be advertised by the board of councilmen in one of the Atlantic county newspapers circulating in said town, and also by notices put up in five of the most public places in said town for ten days at least before the same are adopted and the ordinances are passed to carry out the same, in which ordinance there shall be appointed three discreet, impartial and disinterested persons, residents and freeholders in said town, commissioners (who shall first be duly sworn or affirmed), to examine into the whole matter impartially and to the best of their judgment, skill and ability, and who shall cause a survey and map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole costs of said improvement, according to the best of their judgment, and shall assess such estimated cost upon the said lands fronting on said improvements, and report the names of the owners of the lots or parcels as far as practicable, with the amount aseessed to each, and shall file said report and map with the clerk of the town, within thirty days after their appointment; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him in one of the Atlantic county newspapers circulating in said town, and by notice put up in five of the most public places in said town for ten days; and unless within thirty day's after the filing of such report the owners of two-thirds of the lands to be assessed for such improvements shall file with the clerk of the town a remonstrance signed by them or their agent lawfully authorized, said councilmen shall proceed to execute said improvement; but if such remonstrance shall be filed, the councilmen shall proceed no further in such improve- To regulate streets and open the same.

ment under that application, and all costs and expenses incurred by the council in such proceedings shall be repaid to the town by the petitioners of such improvements, and the councilmen may make such regulations touching the receiving and proceedings upon such petition and security for the expenses thereof as they may deem proper.

Expenses of opening streets, &c., how defrayed.

25. *And be it enacted*, That all expenses and costs of proceedings for improvements in laying out, opening, altering, widening, filling up, grading, altering the grade of, refilling guttering, curbing, bridging, planking and paving streets, roads and avenues, and repairing the same, for flagging or planking sidewalks, and for repairing, filling and refilling sidewalks, and for repairing and relaying, flagging or planking in or on the sidewalks, and for repairing and resetting curb and gutters and bridge stone and bridging, and for building open drains and sewers, when the same shall be completed, shall be assessed by the three said commissioners upon the lands, and paid by the owners of the lands and real estate fronting upon the improvement so applied for, in proportion to the benefit received by said lands and real estate, except the main sewers or open drains, which shall be taxed and assessed to the whole town of Hammonton; and the said commissioners shall determine and report in writing to the board of councilmen what proportion of such expenses shall be assessed to each separate lot or parcel of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the clerk of the town of Hammonton, whereupon the said clerk shall cause to be inserted in at least one of the Atlantic county newspapers circulated in said town, for at least twenty days, a notice of the filing of said report, and shall also for the same length of time put up like notices in five of the most public places in said town, and that the councilmen shall meet at a time and place to be specified in said notices, to be at least twenty days from the date of the filing of said report, to consider said assessments, and to receive and consider all objections thereto which may be presented in writing; and if the councilmen shall confirm said assessment, it shall constitute a lien upon the property assessed for such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by said councilmen for that purpose, and if the persons assessed neglect to pay to the town treasurer upon written notice of the confirmation of

the assessment and the passage of the ordinance to collect the same, the amount of their respective assessments within thirty days from the passage of said ordinance, the said councilmen may proceed to enforce the lien created in the manner prescribed in this act, and whenever within said town any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the councilmen, it shall be lawful for said councilmen to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum from the time of confirmation of such assessment until the same is paid; *provided*, that nothing in this section be construed to take away the powers and duties of the overseer of roads in the town. Proviso.

Repairs of streets and roads.

26. *And be it enacted*, That all repairs in the carriage ways of any street, road or avenue in said town in any part thereof not applied for as in the twenty-fourth section of this act is required, and not made by the overseer of the highways, and said councilmen shall consider the said repairs to be necessary, then and in that case the committee of repairs (who shall be members of the board of councilmen appointed by an ordinance as said committee,) shall cause the said repairs to be made by contract or otherwise, and the costs and expenses of such repairs shall be paid by the said councilmen upon their approval of the same out of the road tax annually voted, and any road assigned to the overseer of the highways shall be subject to such regulations and ordinances as the councilmen shall see fit to adopt.

Powers of council over streets, roads &c.

27. *And be it enacted*, That the said councilmen are empowered to cause any or all of the improvements authorized by this act to be made in any of the streets or roads, whether used as a plank road, railroad or otherwise, except so far as they interfere with their corporate or vested rights, and in and upon all streets, roads and avenues that have been or shall hereafter be dedicated to the public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of such street, road or avenue in said town; said councilmen shall also have power to regulate the position and construction of all railroads to be laid in any streets, roads or avenues in said town, and all contracts in which said councilmen shall be interested as individuals, either directly or indirectly, shall be null and void.

28. *And be it enacted*, That the councilmen of the town of

When to meet and divide funds and estate.

Hammonton and the township committees of Mullica and Hamilton townships, be and they are hereby empowered to meet on the second Monday of April next at the house of Thomas Irving, in Elwood, in the township of Mullica, at the hour of 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 estates of said townships hereby divided between the said town of Hammonton and the residue of the townships of Mullica and Hamilton, in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last annual assessment; and the inhabitants of the town of Hammonton shall be liable to pay their just proportion of the debts as ordered and directed at the last annual town meetings of Mullica and Hamilton townships, 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 said town and townships, and such convention of committees or members thereof shall have power to adjourn from day to day until the completion of said division be made, and their decision, or a majority of them, shall be conclusive and final, and the passage of this act shall be sufficient notiee of the time and place of such meeting.

To raise money for town purposes.

29. *And be it enacted*, That the legal voters of said town shall have power and authority at their annual charter elections in each year to raise by plurality of votes, such sum or sums of money as they may think proper and necessary for the support and maintenance of the poor of said town, for the support of common schools, for the making and repairing of roads and highways, and for an amount requisite for other town purposes, which said sums, when assessed and collected, shall be applied by the said councilmen to the purposes designated by the people at such charter election, and shall not, nor shall any part of the same be used or applied to any other purpose whatever.

School district.

30. *And be it enacted*, That the said town of Hammonton, as hereby created, shall constitute a sole and separate school district; and that it shall be the duty of the town superintendent in connection with the two school examiners heretofore provided for, to meet at such times within said district as the town superintendent shall appoint to examine and license by certificate under their hands and seals, or a ma-

jority of such of them as shall attend said meeting, suitable persons as teachers of public schools within said district, having regard always to their scholarship and general moral character which license shall be restricted to said district, and may be revoked or renewed at the pleasure of said superintendent and examiners or a majority of them; and no teacher shall be entitled to receive any amount of the public money unless possessed of such license.

May own real estate.

31. *And be it enacted*, That it shall be lawful for the said corporation hereby created to take, purchase or lease such real and personal property as they may deem necessary and proper for the purposes of the said town, and the same or any part thereof to lease, mortgage, sell or otherwise dispose of as to them may seem proper.

Liability to pay bonds.

32. *And be it enacted*, That the inhabitants and property of the said town of Hammonton shall be liable for the payment of their proportion of certain township bonds, amounting to , which the township committees of Mullica and Hamilton townships have issued by virtue of the provisions of certain acts entitled "An act to legalize certain acts of the township of Mullica in the county of Atlantic, relative to raising money to pay bounty to volunteers, and to provide for the payment of the same," approved March fourth, anno domini eighteen hundred and sixty-four, and "An act to legalize certain acts of the township of Hamilton, relative to raising money to pay bounties to volunteers, and to provide for the payment of the same," approved March twenty-fourth, anno domini eighteen hundred and sixty-four, and "An act to authorize the township of Mullica, in the county of Atlantic, to raise money to pay bounties, and to provide for the payment of the same," approved April eighth, anno domini eighteen hundred and sixty-four, in the same manner and to the same extent as if this act had not been passed; and the inhabitants and property of the said town of Hammonton shall be assessed and taxed therefor in the manner prescribed by said acts.

Repealer.

33. *And be it enacted*, That from and after the passage of this act all acts or parts of acts inconsistent with or repugnant to the provisions hereof, the same be, and they are hereby repealed, so far as they might otherwise relate to the town of Hammonton, hereby created.

Act may be repealed, &c

34. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act; and that this act shall be

deemed a publtc act and shall take effect immediately.

Approved March 5, 1866.

CHAPTER LXXXVI.

A further supplement to an act entitled "An act to incorporate the Somerville and Easton Railroad Company," passed February twenty-sixth, eighteen hundred and forty-seven.

Duties of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where land shall be taken by commissioners under provisions of sections seven and eight of the act to which this is a supplement where the owner or owners are either unknown, or under any legal disability, the amount of the award shall be paid into the court of chancery before the company shall proceed to take possession.

For increase of capital.

2. *And be it enacted*, That the Central Railroad Company of New Jersey, may, from time to time, with the assent of a majority in interest of the stockholders of said company, increase their capital stock to any sum not exceeding four millions of dollars, in addition to the present authorized amount of capital.

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

Approved March 5, 1866.

CHAPTER LXXXVII.

An act to authorize the inhabitants of the township of Atlantic, in the county of Monmouth, to vote by ballot at their Town Meetings.

Vote to be by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Atlantic, in the county of Monmouth, are hereby authorized and required to elect by ballot, and not otherwise at

their annual town meetings the following officers, until otherwise required by law, whose qualifications shall be the same as now are or may heaeafter be fixed by law, that is, a township clerk, a judge of election, an assessor, a collcetor, one chosen freeholder, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a township committee consisting of three persons, a town superintendent of common schools, as many justices of the peace as the township may be constitutionally entitled to elect, one or more constables, one or more pound keepers, and shall also, upon the same ballot, vote for the amount to be raised for the support of the poor, for school purposes, for the repair of roads, and for the places of holding the next annual town meeting, and the election of state and county officers.

Board of election.

2. *And be it enacted*, That the presiding officer of the last annual town meeting shall preside at and conduct the first election held according to the provisions of this act, and the judge of election elected at said town meeting or any future town meeting shall preside at and conduct the election at the next annual town meeting, and the clerk of the township shall be the clerk thereof, and the officers of said election shall be eligible to any office at said election except that of justice of the peace; *provided*, that in case the judge or clerk of any election shall desire to be absent for a short period of time the judge shall have power to fill the temporary vacancies.

Vacancies how filled.

Polls, open and close.

3. *And be it enacted*, That the election shall open at nine o'clock in the morning and close at four o'clock in the afternoon of the same day, and be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be, and the same duty shall devolve upon the judge of elections and the clerk, as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation as far as applicable be invested with the same powers and be liable to the same penalties, the same qualifications for voters shall be required and the result ascertained in the same manner and stated according to law.

Plurality vote to elect.

4. *And be it enacted*, That a plurality of votes shall be sufficint to elect any officer or affix the place of holding the town meetings, or the state and county elections, but a majority of the whole number shall be required to determine

an amount of money to be raised or specified, and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of the refusal of any person elected to accept the appointment, or a vacancy for any other cause, or in case two or more persons have an equal number of votes for the same office or in case a majority shall not vote for the same sum or amount, the town committee shall, at their next meeting for that purpose, advise and determine upon such a place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Duty of clerk.

5. *And be it enacted*, That when the township committee shall fill a vacancy or elect in case of a tie between candidates, the clerk of the township who shall be clerk of the same committee, shall enter the same in the book containing the minutes of the proceedings of the said committee, which book shall be open at all proper times to the inspection of the voters of the township, and shall immediately notify the person or persons so appointed or chosen, and shall transmit a statement thereof to the clerk of the county.

Overseer of the poor to make annual report.

6. *And be it enacted*, That the overseer of the poor shall at least ten days before the town meeting, prepare and lay before the town committee their annual report, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and at least five days before the town meeting shall have copies thereof and of the report of the overseer of the poor posted up in three prominent public places in the township.

Clerk, compensation of

7. *And be it enacted*, That the reports of the township committee, the overseer of the poor and town superintendent of public schools shall be preserved by the township committee; in posting up the list of officers elected as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, unless otherwise changed, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judges of election and clerk shall receive the same compensation for attending any town meeting as for attending state or county elections, and the town committee may allow the clerk such compensation

for the additional duties required by this act as they may deem reasonable.

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

Approved March 6, 1866.

CHAPTER LXXXVIII.

An act to incorporate the National Life Insurance Company of Elizabeth, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William B. C. Carpenter, James L. Scott, Abraham H. Covert, Robert L. Smith, Daniel Ball, Henry B. Hewett and Archibald K. Brown and others, their associates, successors and assigns, shall be, and are hereby ordained, constituted and declared to be a body politic and corporate, by the name of the National Life Insurance Company, to be located at Elizabeth, in the state of New Jersey, and by that name to sue and be sued, to plead and to be impleaded, in all courts of justice, and to have and to use a common seal, and the same to alter and change at pleasure, and also by that name shall be, and hereby are empowered to purchase, hold and possess and enjoy to themselves and their successors, any estate, real or personal, for the use of said corporation, provided the lands, tenemenrs and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be requisite for its accommodation in the transaction of its business, or such as shall have been mortgaged to it in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decrees obtained for such debts; and all such real estate as shall not be necessary for the accommodation of said corporation in the convenient transaction of its business, except lands mortgaged as aforesaid, shall be sold and disposed of within five years after the said corporation shall have acquired title to the same, and it shall not be lawful for the said corporation to hold such real estate for a longer period

unless the said company shall procure a certificate from the clerk of the county in which said land may be, that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the said clerk shall direct in such certificate.

Election of directors.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said corporation by policies of insurance entitling them to share in the profits of the business transacted by it, shall while they continue so insured be deemed and taken as members of said corporation, and that the property and concerns of said corporation shall be managed and conducted by a board of seven directors, who shall, except for the first year, be chosen annually by the members of said corporation, at such time and place and in such manner and upon such notice as shall be prescribed by the by-laws of the company; a majority of the directors so chosen shall be residents within this state, and at each election of directors each member of said corporation shall be entitled to one vote for each thousand dollars insured to him or his representatives by policies issued by said company; the persons named in the first section of this act shall constitute the first board of directors of said company and shall hold their office for the period of one year and until others are chosen in their places; all vacancies among the directors shall be filled in such manner as shall be prescribed by the by-laws, and in case it shall at any time happen that an election for directors shall not be held on the day fixed by the by-laws, said corporation shall not for that cause be deemed dissolved, but it shall and may be lawful to hold an election pursuant to law, and until such election shall be held, the directors then in office shall continue to hold their office until their successors shall be duly chosen.

Policies how issued.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to make insurance and issue policies of insurance, either with or without participation in profits upon the health or lives of individuals, and to insure any person or the liability of any carrier of passengers for hire against loss of life, resulting from any casualty, whether happening on land or water, with compensation for injuries for non-fatal accidents, either for the whole of life or any shorter period, and to grant, purchase, or dispose of annuities on such terms and conditions, and at such rates of pre-

mium as shall be agreed upon between said company, and the person or persons so insured; and if at any time it should so happen that there shall be just claims on the corporation for losses sustained to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being, shall with all convenient expedition proceed to assess such deficiency in a rateable proportion on the members of the corporation or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by such member, which rates of assesement shall be approved of by a majority of the directors, and notice in writing shall be given to such member, or his lawful representative of the assessment and amount by him or them required to be paid, and each and every member, or his lawful representative so notified, shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof, shall forfeit all right or claim to any policy or privilege that he may have obtained, and be no longer a member of the corporation, and shall be liable for the amount of such assessment with interest, to be recovered by action of debt with costs of suit before any court of competent jurisdiction. Proviso.

4. *And be it enacted*, That it shall be lawful for any married woman in her own name or in the name of any third person as trustee, to cause to be insured the life of her husband for any given period or for the term of his natural life, and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband, and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after her death to her child or children, for his, her or their benefit, or their guardian or guardians, if under age or in case the wife shall leave no lawful issue her surviving, then the same may be made payable to the legal representatives or assigns of her husband; *provided*, that this section shall not apply to insurance where the annual premium shall exceed the sum of three hundred dollars, unless paid from the private property of the wife. Married women may insure life of husband. Proviso.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to raise a guarantee Powers of directors.

capital, to be held in such a manner as the board of directors may deem expedient, and for the better security of the insured, and shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the stock, property and effects of the corporation, and in such matters as appertain to the government of said corporation and the transaction of its business, and shall have power to appoint an actuary, and such other additional officers, clerks and servants for carrying on the business of said corporation as they may select, with such allowance as to them shall seem just and satisfactory, provided that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of this state or of the United States.

President.

6. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and at the first meeting of the directors held subsequent to the annual meeting of the members in each year thereafter, the directors shall choose from among themselves one person for president, who shall continue in office until the next annual meeting and until another shall be appointed in his place; they may also choose a vice president in like manner who shall perform the duties of the president in case of his absence or inability to serve.

Power to convene meetings.

7. *And be it enacted*, That the president or any three of the directors shall have power to convene a meeting of the board, on such notice and at such place as shall be prescribed by the laws of the company.

Funds how invested.

8. *And be it enacted*, That no part of the funds belonging to the corporation shall be used for the purpose of banking, and on investments shall be made except either in loans, on bond and mortgage, upon real estate of double the value of the debt secured thereon, or in stocks, bonds or notes issued by the United States, or stocks created by any state in the Union, or in bonds of the city of Elizabeth, or in bonds of such other cities of the United States as may be approved of by the board of directors.

Act may be repealed.

9. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter to alter, amend or modifw this act.

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

Approved March 6, 1866.

CHAPTER LXXXIX.

An act to incorporate the Morristown Library and Lyceum.

Preamble. WHEREAS, certain persons at Morristown, Morris county, in this state, have formed an association having in view the establishment of a public library, with rooms for reading and other literary purposes, and the erection or purchase of a suitable edifice for the objects of such association, so as to promote the education of the young and other persons who may desire to be benefitted thereby, in science, literature and the arts; AND WHEREAS, an act of incorporation is necessary, properly to carry out the ends of said association; therefore,

Commissioners to receive subscriptions. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Mills, John Whitehead and William C. Caskey, be appointed and they are hereby appointed commissioners to receive subscriptions to the capital stock of said association, at such time or times, place or places, as said commissioners or a majority of them, may appoint by notice duly published for three weeks successively in one or more newspapers printed and published at Morristown, New Jersey.

Amount of capital stock. 2. *And be it enacted*, That the capital stock of the corporation hereby created shall not exceed the sum of fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and, that all such persons as shall subscribe to the said capital stock, and all other persons who may become their associates, their successors and assigns, shall be and are hereby incorporated by the name of "The Morristown Library and Lyceum," and by that name shall be a body corporate, and shall be forever hereafter capable to hold and receive, by donation, deed, gift, devise or otherwise, and to purchase, lease and convey real and personal estate and property; *provided always*, that the yearly income of such real and personal estate and property, shall not, at any time, exceed the sum of twenty thousand dollars. Proviso.

Commissioners to file certificate of subscriptions. 3. *And be it enacted*, That the said corporation shall have power to commence operations so soon as said commissioners or a majority of them, shall file, in the office of the secretary of state of this state, a certificate under their hands and seals, or the hands and seals of a majority of them, that

the sum of ten thousand dollars has been subscribed towards said capital stock.

Election of directors.

4. *And be it enacted*, That the first meeting of the said corporators shall be held at such time and place as the said commissioners, or a majority of them, shall appoint by notice advertised by them as aforesaid for two weeks successively, at which time and place there shall be elected from among the said corporators seven persons who shall act as the first directors of said incorporation and until other directors are elected as hereinafter provided; and that on the first Wednesday after the first day of January in each succeeding year, at a general meeting of said corporators, to be held at such hour in said day and such place as the directors or by-laws of said corporation shall provide elections shall be held for seven directors who shall be chosen from among the stockholders of said corporation, and who shall hold their office for one year or until their successors shall be elected; at such election each stockholder, unless indebted for dues and fines, shall be entitled to one vote for each share he may hold, and a majority of all the votes cast shall be necessary to an election; in case an election shall not be made on the day appointed by this act, the corporation for that cause shall not be dissolved, but it shall and may be lawful for such election to be held at such other day as may be designated by the directors for the time being; said elections shall be conducted in the manner provided for by the by-laws of said incorporation; in case of death, resignation or removal of any director the vacancy created thereby shall be filled for the remainder of the term by a vote of the majority of said directors.

Powers of directors.

5. *And be it enacted*, That the board of directors shall choose from among themselves a president and vice president and either from among themselves or from among the stockholders a secretary and treasurer; the said directors shall also have power to appoint a librarian and such other officers as they may think the interests of the said incorporation require; they shall also have power to establish such by-laws, rules, regulations and restrictions respecting said incorporation, its estate, business and interests, the library, and the use of the books, as they may deem best; four directors shall constitute a quorum for the transaction of business.

Payment of installments.

6. *And be it enacted*, That all installments for the payment of any share or shares to be subscribed by the said corpora-

tors as aforesaid shall be paid at such times as said directors shall appoint, and default in payment of such installments by the said stockholders, after such notice as said directors shall deem best, may, at the discretion of said directors, either work a forfeiture of all prior payments for the benefit of said corporation, and the stock upon which such default shall be made shall revert to the said incorporation and be by them sold for the benefit thereof, or the said directors may take legal measures to enforce payments of any sum or sums which may be due on such stock.

Stock transferable.

7. *And be it enacted*, That the shares of the capital stock of said incorporation shall be deemed to be personal property, and shall be transferable only on the books of the said incorporation, under such regulations as the board of directors may prescribe.

Capital stock to be exempted.

8. *And be it enacted*, That so long as the said incorporation shall be and remain an association for the purposes set forth in the preamble to this act said shares of the capital stock of said incorporation shall be exempted from state, county, city or township or other public assessments, taxes or charges whatever, and no such assessments, taxes or charges shall be levied upon, imposed, assessed or collected from said incorporation or from said stockholders for or on account of said shares of said capital stock.

Restrictions and liabilities.

9. *And be it enacted*, That this incorporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth eighteen hundred and forty-six, so far forth as the same are applicable to this incorporation and not inconsistent with the provisions of this act.

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

Approved March 6, 1866.

CHAPTER XC.

An act to appoint commissioners to superintend the Draining of certain Lands lying in the township of East Orange, Essex county.

Commissioners appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Moses H. Williams, J. M. Randall and Viner J. Hedden are hereby appointed commissioners for the purpose of employing one or more persons to dig, excavate and make all such ditches, water courses and drains as are necessary to effectually drain and carry off the water from certain lands hereinafter described, and to do all other acts necessary and expedient to carry out the objects and purposes of this act.

Powers of Commissioners.

2. *And be it enacted*, That said ditches, water courses or drains shall commence at a point at or near where the present brook running through the lands of Joseph Booth intersects and crosses the Boiling Spring road, in the township of East Orange, and shall be continued in a southwesterly and southerly direction, running through the low land and valley lying between Grove and Cherry streets, in said township, until it reaches a point where the Morris and Essex railroad crosses the said valley between what is now known as the East Orange and Junction stations; and they or a majority of them, shall have power and authority to open and clear out the passage way under and across the Morris and Essex railroad; and they shall also have power to employ an engineer to locate the route or routes of said ditches, water courses and drains, and ascertain the proper depth and grade of the same, so there may be sufficient fall for the flow of the water through the same to make the said drainage effectual; and the earth and other material taken therefrom in said digging and excavating shall be removed a sufficient distance from the bank to prevent the same from washing in to obstruct the said ditches, water courses or drains.

Commissioners to assess costs and expenses.

3. *And be it enacted*, That after said work shall have been completed, the said commissioners or a majority of them, shall assess the costs and expenses of the same, together with the pay allowed said commissioners for the performance of their duties, upon the owners of the lands through which the said ditches, water courses and drains may be made, and upon the owners of such lands lying immediately near, and which, in the judgment of the commissioners, or a majority of them, are benefited thereby, except as to the expenses of opening and cleaning out the passage way under and across the Morris and Essex railroad, which shall be paid to the said commissioners by the Morris and Essex Railroad Company; said costs and expenses shall be assessed pro rata according to the valuation of the land benefited

thereby, which valuation shall be estimated by said commissioners, and the said commissioners are hereby empowered to sue for and collect by law, in any court of competent jurisdiction, the respective sums so assessed from the parties upon whom the same are assessed respectively; and the report of the commissioners upon said sum and assessment shall be sufficient evidence of the indebtedness in each case respectively.

Compensation.

4. *And be it enacted*, That the said commissioners shall each receive for their services three dollars per day for each and every day they shall be actually engaged in the performance of their duties under this act; and before entering upon their duties they shall take and subscribe an oath to faithfully and impartially perform their duties under this act, and as soon as said oath is taken they shall organize their commission and appoint one of their number, who shall have power to perform all the duties under this act, except as to making the valuation of property and assessing the costs and expenses of said work upon the owners of the same.

Time for commencing work.

5. *And be it enacted*, That said work and drainage shall be commenced on or before the first day of May, eighteen hundred and sixty-six, and shall be completed as soon thereafter as may be with reasonable diligence in the prosecution of the same.

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

Approved March 6, 1866.

CHAPTER XCI

An act to incorporate the Manchester Land Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Howard Potter, Clarence S. Brown, John Crosby Brown, Lewis B. Brown and Henry M. Alexander, 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, shall be, and they are hereby constituted and declared, a body politic and

corporate, in fact and in law, by the name of "The Manchester Land Company," to be located in the county of Ocean, for the purpose of buying, selling, holding, cultivating and improving the pine and other lands in said county and for building houses upon the same, and for milling and manufacturing in all its branches, and for buying and selling wood for sawing in mills, and for selling the produce of said lands, and carrying on the business incident thereto; 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 and hereditaments, and any goods and chattels of whatsoever kind or quality whatsoever; and the said lands, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, mortgage and dispose of, to sue and be sued, plead and be impleaded in courts of justice, or in any other place whatever, and to make and use a common seal.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with power to increase the same to seven hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and such company may purchase lands, and all other property embraced in the business of the company, and issue stock in payment therefor, and the stock so issued shall be declared and taken to be full stock, and not liable to any further calls.

Directors to open books of subscriptions.

3 *And be it enacted*, That the subscription of said stock shall be open at such place as the directors shall designate, 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.

Election of directors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than five directors or more than nine, who shall be stockholders, a majority of whom shall be residents of the state of New Jersey, one of whom shall be president, who shall hold their offices for one year from the first Monday in January in every year, and that the said directors shall be chosen on the third Monday in December in every year, at such time and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner to be provided for in the by-laws; and the five persons shall be the directors who shall receive the greatest number of votes; and if it shall happen that any vacancies occur

in any manner, such vacancy may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors, until the time when the persons elected at the next election for directors shall take their offices by virtue of said election; and until after those elected at the first election shall enter upon the duties of their office, the following persons shall be directors of the company: Howard Potter, Clarence S. Brown, John Crosby Brown, Lewis B. Brown and Henry M. Alexander. First directors.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said company; and no dividend shall be made to and among the stockholders, except from and out of the profits of the said corporation. Stock transferable.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day on which, pursuant to this act, it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be directed by the said company. Not dissolved for failure to elect

7. *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 and kept all the transactions of the said company, which books shall at all times be open to the inspection of the stockholders of the said company; and a correct and full statement of the affairs of said corporation shall be made to the stockholders at their annual meeting for the election of directors hereinbefore provided. Books of account to be kept.

8. *And be it enacted*, 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. Transfer of stock to be registered.

9. *And be it enacted*, That this act shall continue in force for a period of fifty years, and shall take effect immediately; but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, amend or repeal this act, or any part thereof, whenever they shall see proper; and that the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, as far as the same are applicable. Limitation &c.

Approved March 6, 1866.

CHAPTER XCII.

An act to incorporate the Rahway White Rubber Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Hanna, Jason R. Hanna, Andrew J. Sparks, Rudolf F. H. Haverman and Frank Marquard and all other persons who shall become subscribers to the capital stock according to the mode hereinafter prescribed, and their successors be, and they are hereby created a body politic and corporate in fact and in law, by the name of "The Rahway White Rubber Company," for the purpose of manufacturing articles from india rubber and other materials of which rubber or any of its allied gums shall be a component part, at Rahway, in the county of Union, state of New Jersey, and of selling the same; and for that purpose may purchase all real and personal estate necessary for conducting said business and for securing all debts that may become due; also all patents and patent rights that said company may deem of advantage to its business.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars with power to increase the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each; which stock shall be transferable according to the by-laws of said company and be considered personal property.

Commissioners to open books of subscription.

3. *And be it enacted*, That the persons above named or a majority of them shall open books to receive subscriptions to the capital stock of such corporation, at such time and place within this state as they may deem proper, giving at least one week's notice thereof in some newspaper published in said state, and that as soon as one hundred thousand dollars of such stock is subscribed and paid, or otherwise satisfactorily secured to be paid, the said commissioners shall by like notice call the first meeting of the stockholders for the purpose of organizing the company and electing directors, and all the powers of said commissioners shall cease upon the appointment of said directors.

Election of directors.

4. *And be it enacted*, That said directors shall consist of five persons, who shall manage the business of the company, all of whom shall be stockholders, one of whom shall be presi-

dent, and three of whom shall reside in this state; such directors shall hold their office for one year, and until others are elected in their stead; and an election of directors shall be held yearly, at such time and place, and upon such notice as the by-laws shall direct; at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him respectively owned; and all vacancies in the board of directors may be filled for the unexpired term by appointment, to be made by the remaining directors.

Powers of directors.

5. *And be it enacted*, That said directors shall have power, in behalf of said company, to receive any property, patent or patent rights suitable for the purpose of the company at a valuation to be agreed upon, and in lieu of cash subscriptions, and shall have authority, from time to time, to open the books for further subscriptions, until the whole capital stock is taken; and the directors may call on the subscribers for the payment of installments, in such sums, and at such times, and under such forfeiture as they may deem expedient.

Powers to make by-laws &c.

6. *And be it enacted*, That the directors shall have power, to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of said corporation may require.

Restrictions and liabilities.

7. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the restrictions and liabilities imposed in "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Books open to inspection

8. *And be it enacted*, That the transfer books of said corporation shall be kept in the office of said company in the city of Rahway, and shall be open to the inspection of the officers and the stockholders thereof at all reasonable times.

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

Approved March 6, 1866.

CHAPTER XCIII.

A further supplement to the act entitled "An act to incorporate the Town of Orange," approved January thirty-first, eighteen hundred and sixty.

Commissioners to assess cost of draining.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whensoever the owners of any contiguous lands in said town, or a majority of them, shall petition the common council to cause such lands to be drained by drains or open ditches, having given at least fourteen days' previous notice of such petition by advertisements in a public newspaper printed and circulated in the county of Essex, stating the precise course of such drains or ditches, with the beginning and ending points thereof and the names of the owners of the land through which such drains or ditches will pass, the said council are hereby authorized and empowered by ordinance to order and cause the said lands to be drained as aforesaid, by and under the direction of any person or persons to be named in said ordinance, and to appoint three disinterested freeholders (one from each ward) to act as commissioners in ascertaining the cost of such drainage after the same shall have been completed, and in assessing the said cost as well as any damages which in their opinion any land owner may have sustained by reason of said drains or ditches being made through his land, fairly and equitably, upon the owner or owners of any lands which in their opinion may have been benefited thereby; and that the report of said commissioners, or any two of them, shall be made without any unnecessary delay, and be deposited by them with the clerk of the town, and that the same, at the next or any subsequent meeting of said council, may be approved, amended or set aside as to the said council shall seem proper; and that any assessments so made and so approved or amended shall be collected in the same way as assessments for the opening of streets are or shall be.

Council to have control of "Military Common."

2. *And be it enacted*, That the common council shall have the exclusive control of the ground known as the "Military Common," and of all other public places within the limits of the town, with full power to improve and decorate the same and to protect the same from injury and nuisances; but without authority to sell or lease the whole or any part

of the same, or in any way to divert the same from public use or from the uses for the which the same may have been originally donated.'

Commissioners to be sworn.

3. *And be it enacted*, That all commissioners to be appointed by the common council for any purpose authorized by the said act, or by this or any other supplement thereto, before entering upon the duties of their office, shall be sworn or affirmed before the mayor or clerk of the town, faithfully and impartially, and to the best of their ability to discharge such duties, which oaths or affirmations shall be filed and preserved by the said clerk in the same manner as the oaths of other officers of the town are or shall be.

Firemen when exempt

4. *And be it enacted*, That all the members of the fire department of said town, after seven years' faithful service shall be entitled to a certificate of discharge from further duty, the said certificate to be signed by the mayor and sealed with the common seal of the town, and that during such service, as well as after the receiving of such certificates, such firemen shall be exempt from jury duty and from serving in the militia in time of peace.

Council to appoint street commissioners &c.

5. *And be it enacted*, That it shall be lawful for the common council from time to time to appoint by ordinance one freeholder from each ward of the town, not being members of said council, as commissioners to ascertain and determine the precise lines, courses and width of any street or streets in said town, whether legally laid out and opened or not, but which may have been used by the public for twenty years or more, as the same is, are or shall be so used at the time of the passage of such ordinance, which commissioners or any two of them shall, with all convenient speed, return to the said council a report in writing accompanied by a map, showing such lines, courses and width, and such report and maps, when approved by said council, shall be filed among the records of said town as well as recorded in the book of minutes of said council, and shall thereafter be taken to be full and conclusive evidence of the existence of such street or streets as a public highway or highways, and that the same shall thereafter be treated and maintained as such.

Power to borrow money.

6. *And be it enacted*, That for the purpose of improving the streets and highways of the town by paving the same or otherwise, the common council are hereby authorized to borrow any sum or sums of money, not exceeding in the aggregate the sum of fifty thousand dollars, and to secure

the repayment of the same with interest at seven per centum per annum, at such time or times and in such manner as to said council may seem proper by the bonds of the town, to be signed by the mayor and town clerk, and to be sealed with the common seal, and it shall be the duty of said council to determine on or before the first Monday in June in each year what sum will be necessary to be raised in that year for the purpose of paying said interest, and any of said bonds that may come due in said year, or of creating or making payments into a sinking fund for the payment of and extinguishment of said bonds at maturity, which sum, when so determined, shall be assessed and collected in the same manner, but without any additional compensation, as other road taxes are or shall be.

Powers of council.

7. *And be it enacted*, That the common council may, from time to time, determine in what manner any street or streets, or any part or parts thereof shall be so improved, and may, by ordinance, order and direct the same to be done; and that the said council may also enter into any further contract or contracts with the Orange and Newark Horse Car Railroad Company, in relation to their use of any street or streets of said town, where they now are authorized to lay their tracks; *provided*, that no such contract or contracts shall be binding upon said town, until the same shall have been first ratified and confirmed by ordinance of said council.

Proviso.

Powers of watchmen.

8. *And be it enacted*, That whensoever a majority of the owners of the real estate lying on both sides of a street or any part of a street shall petition the common council for the establishment of a night watch, the said council shall be authorized, by ordinance, so to establish the same, and may, from time to time, decide upon the number and compensation of the watchmen, and may appoint and remove them, and may prescribe rules for their government; and that such watchmen shall have and possess all the powers of constables, within the limits of the town, for the purpose of preserving the peace and enforcing the ordinances of said town; and that on or before the first Monday in June, in each year, the council shall ascertain and determine the cost of such night watch during the year preceding, and shall direct and cause the same to be assessed against the owners of said real estate, or against the occupants thereof in case such owners be non-residents, and to be collected in the same manner as other town taxes are or shall be, which assessments shall be placed by the assessor in a separate

column in his duplicate, such assessor receiving therefor the sum of one cent for each name, and the collector receiving no additional compensation; *provided*, that no person shall be assessed as aforesaid for any lot of land owned by him that is not actually improved by the erection of a building thereupon. Proviso.

9. *And be it enacted*, That whensoever any person or persons shall have petitioned or shall petition the common council to lay out, alter, widen, straighten, or vacate any street, or part of any street, or to have the sidewalks of any street or portion of any street, graded, curbed and paved or gravelled, or to drain any lands in said town, and shall afterwards petition or remonstrate against the same, and the said council shall indefinitely postpone or refrain from taking any further action in the premises, the said council shall assess upon such person or persons as fairly as may be, all expenses which may have been incurred by the town in reference thereto; such assessments to be collected with costs by the treasurer in an action of debt in any court of competent jurisdiction. Council to assess in certain cases.

10. *And be it enacted*, That the common council shall have power, in addition to the ordinances, by-laws and regulations authorized by the act to which this is a a supplement, or by any supplement thereto, by a majority of their whole number to pass all such ordinances, by-laws and regulations for either or both of the following purposes as they shall judge proper, namely: Council to pass ordinances.

I. To establish a board of health; to define its powers and duties, and provide for the protection and maintenance of the health of the town. To establish a board of health.

II. To abate or remove nuisances of every kind and to compel the owner or occupant of any house, lot, building, shed, cellar or place wherein may be carried on any business or calling, or in and upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants, to cleanse, remove or abate the same from time to time as often as they may deem it necessary for the health of the inhabitants of the town at the expense of the owner or occupant thereof. To abate nuisances.

11. *And be it enacted*, That all parts of said act, or of any supplement thereto inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately. Repealer.

Approved March 6, 1866.

CHAPTER XCIV.

An act to create from a part of the townships of Pemberton, Shamong, Southampton and Washington, in the County of Burlington, a new township to be called the township of Woodland.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Pemberton, Shamong, Southampton and Washington, contained within the following bounds to wit: beginning at a point where the North Branch of Misery Mill stream crosses the Ocean county line, thence (1) along said Ocean county line in a southeasterly direction to where the line of Bass river township meets said Ocean county line, thence (2) in a southwesterly direction along the line of said Bass river township to Laurie's bridge, thence (3) in a southwesterly direction to the forks of Shoal branch and the main West branch of Wading river, thence (4) in a northwesterly direction to the corner of Shamong and Southampton townships where Batsto creek so called crosses the same, thence (5) along the line of said two townships of Shamong and Southampton to a stone corner to said two townships near the Friendship saw mill, thence (6) in a northeasterly direction to the northwest corner of Misery mill dam, thence (7) up said mill stream following its north branch to the place of beginning, be and the same is hereby set off into and created a new township to be called the township of Woodland.

Incorporation.

2. *And be it enacted*, That the inhabitants of the township of Woodland 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 Woodland, in the county of Burlington," and shall be entitled to all the rights, powers, authority and privileges, and subject to the same laws, regulations, governments and liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subject to by the existing laws of this state.

First town meeting.

3. *And be it enacted*, That the inhabitants of the township of Woodland shall hold their first town meeting at the schoolhouse in the village of Shamong near the railroad station, on the second Tuesday in March next, at eleven o'clock in the forenoon.

4. *And be it enacted*, That Eggbert Humphreys be and is hereby appointed moderator and presiding officer of the first town meeting, and Nicholas P. Todd is hereby appointed town clerk of said township of Woodland, to hold their respective offices until the next town meeting thereafter, and until others are appointed or elected in their stead. Moderator and clerk.

5. *And be it enacted*, That the town committee of the township of Woodland shall consist of three persons, a majority of whom shall constitute a quorum for the transaction of business, and the said town committee together with the town committee of the respective townships of Pemberton, Shamong, Southampton and Washington, shall meet at such time and place in the respective townships aforesaid within three months after the passage of this act as shall be appointed by the town committee of the township of Woodland, of which meeting notice in writing shall be served on the respective town committees by delivering said notice to one of the members of the respective town committees, at least ten days prior to such meeting, and may adjourn from time to time as a majority of them may direct, and then and there proceed by writing signed by a majority of those present, to allot and divide between the said township of Woodland and the said townships of Pemberton, Shamong, Southampton and Washington respectively, all properties and monies on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessors of the said respective townships within their respective limits at the last assessment; and the inhabitants of the township of Woodland shall be liable to pay their just proportion of the debts, if any there be due, and the town committee of the township of Woodland, or a majority of them, are hereby authorized to sign and deliver the corporate obligations of said township for the payment of such debts at such time as may be agreed upon between the respective town committees, with or without interest as may be agreed upon, and if any of the persons comprising either of the committees of said township of Woodland, and of the respective townships of Pemberton, Shamong, Southampton and Washington respectively, shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive; *provided, however*, that the number of the town committee of the townships of Pemberton, Shamong, Southampton and Washington, respectively, present Town committee duties and powers. Proviso.

and acting therein at such meeting shall not exceed three in number for this purpose.

Duties of school superintendent.

6. *And be it enacted*, That the person who shall at the first town meeting held for the election of town officers be elected or chosen superintendent of public schools for the said township of Woodland, is hereby authorized and empowered to collect and receive from the town superintendent of the respective townships of Pemberton, Shamong, Southampton and Washington, within sixty days after his election, all monies apportioned and due to the several public school districts or parts thereof heretofore belonging in the said respective townships of Pemberton, Shamong, Southampton and Washington, now included in the said township of Woodland; and it shall be the duty of the said town superintendent of the respective townships of Pemberton, Shamong, Southampton and Washington to make out and deliver to the said superintendent of the township of Woodland, a statement of the amount due to each school district in the township of Woodland.

Assembly district.

7. *And be it enacted*, That the said township of Woodland shall constitute a part of the Fourth assembly district in the county of Burlington.

Portion of surplus revenue of the U. S. allotted.

8. *And be it enacted*, That the township of Woodland shall be entitled to its fair and equitable portion of the fund now hereby or hereafter allotted to the county of Burlington as surplus revenue of the United States.

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

Approved March 7, 1866.

CHAPTER XCV.

An act to incorporate the Tinton Falls Turnpike Company.

Commissioners to receive subscriptions.

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 Tinton Falls Turnpike Company shall be opened by Pearson Hendrickson, Arthur Wilson, Daniel A. Holmes, Francis Johnson, John E. Johnson, George Hance, William Vanschoick, Thomas W. Sherman and Robert Allen, Jr., or a majority of them, who are hereby appointed to

receive subscriptions to said stock at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Monmouth.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with the privilege of increasing it to an amount not exceeding thirty thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred and fifty shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company by the name and title of the "Tinton Falls Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of this law into effect.

Subscriptions how called in and paid.

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 said 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 said subscription shall be paid in installments at such times and places and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in manner aforesaid, and upon failure of the payments thereof as so directed, the 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; and that the persons through whose lands said turnpike roads shall be respectively constructed, and legally capable of subscribing to the stock of said company, shall be first admitted on the first day the subscription books are opened therefor to subscribe for so much of the stock thereof as they may respectively desire to have.

Limitation of subscriptions

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening the said 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 to the respective subscribers

or their representatives in proportion to the sums paid in by them.

Election of directors.

5. *And be it enacted*, That when the one hundred and fifty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners or a majority of them shall be judges; and at the expiration of that term and annually thereafter, upon like notice being 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 by the holder or holders thereof, either in person or by proxy.

President how appointed and duties.

6. *And be it enacted*, That within twenty days after the election aforesaid, the directors shall elect from their number a president of said company, who shall hold his office for one year and until another shall be elected, and shall be the presiding officer at all meetings of said directors, and shall have a casting vote when they shall be equally divided; he shall have charge of the seal of the company, and he shall appoint the judge or judges of all elections of stockholders, or in case of his death or 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, 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 duties or trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and dis-

bursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient, to regulate the transfer of stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of the state or of the United States. Proviso.

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

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the president and directors, or by the stockholders owning one-fourth of the stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meeting, 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 of the proceedings of the company to be exhibited to them by the president and directors. Special meetings.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified in this act, the same may be held 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 are elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election. No forfeiture for failure to elect.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road in the county of Monmouth, beginning at or near the end of the road, in the village of Colt's Neck in the public road that leads from said village through the village of Tinton Falls, to the junction of the public roads at the village of Shrewsbury Town, and also a branch turnpike road, beginning at the junction of the public roads in the village of Tinton Falls, and thence running to or near Henry W. Woolcalt's corner near Eatontown, which said turnpike road may be constructed on and along the public highway leading from the village of Colt's Neck aforesaid, through the village of Tinton Falls, to the village of Shrewsbury Town, and May construct road.

which said branch turnpike road may be constructed on and along the public highway that leads from Tinton Falls village to the road at Henry W. Woolcalt's corner, near Eatontown, except in those places where the said public highways or either of them be not straight, then and in those places the said company shall have power to construct the said turnpike road and branch turnpike road where they may deem proper, and that the width of the same shall be governed by the width of the public highways upon which the same may be made; *provided*, that before the said company shall construct the said turnpike roads as aforesaid, along the highways aforesaid, they shall pay to the respective owners of the land over which the highways selected for constructing said main turnpike road and said branch turnpike road upon now pass, all damages which the said owners shall sustain by reason of the construction of the said turnpike roads; and in case said owners and said company cannot agree upon the amount of said damage, then the damage shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by taking of stone or gravel, sand or clay, from his lands for the construction or maintaining said turnpike roads; *provided, also*, that the said company shall have power to take only the right of way over the lands whereon the said turnpike roads are to be constructed, paying damages which the owners will sustain thereby, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Width, grade, &c.

12. *And be it enacted*, That the said main turnpike road and said branch turnpike roads shall be constructed not to exceed thirty-two feet in width along the middle, as near as may be, of said highways, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said roads not less than twenty feet in breadth, except as herein stated; and whenever said roads in passing over low grounds shall be raised so much at the margin or sides as to render carriages passing thereon liable to overset, the said company shall cause railings to be erected and maintained on the

sides, so as to prevent horses and carriages from running off.

13. *And be it enacted*, That the bridge now used over the Tinton Falls mill pond and Colt's Neck bridge shall be deemed of sufficient width for the purposes of this act as the same is now constructed. Bridges.

14. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and beasts of burden and draft, and all necessary materials and tools to enter upon all lands contiguous or near to the route of said road, doing as little damage thereby as possible, repairing any breach they may make in the inclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when said company or its agents cannot agree with the owner or owners of said land or materials for the purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of 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, if any there be, and of the owner or owners and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the county of Monmouth, who shall cause the said company to give notice thereof to the persons interested, if known or 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, impartial and judicious freeholders commissioners to examine and appraise the said land and materials and to assess the damages, upon such notice to the persons interested as shall be directed by the 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 and impartially to examine the matter in question, and May enter on lands adjoining.

to make a true report, according to the best of their skill and understanding; to meet at the time and place appointed, and to view and examine the lands and materials and make a just and equitable appraisement 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 report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, with the aforesaid description of the lands or materials and the appointments and oaths or affirmations aforesaid in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the said clerk, which report or a copy of it, 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 lands or materials, after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of 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 being made of their treasurer, and shall constiture a lien upon the property of the company in a nature of a mortgage; and the said judge shall tax and allow such costs, fees and expenses to the judge, clerk, commiasioners, 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.

May erect gates and turnpikes.

15. *And be it enacted*, That as soon as the said company shall have constructed in a workmanlike manner the said roads, or either of them, according to the several directions in the eleventh section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said roads, or either of them, and to demand and receive toll for traveling each mile and all fractions of a mile of said roads not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one and a half cents;
For every additional beast, one and a half cents;
For every horse and rider, or led horse and mule, eight mills;
For every dozen of calves, sheep or hogs, two cents;

For every dozen of horses, mules or cattle, six cents; And it shall be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified.

Mile posts to be erected.

16. *And be it enacted*, That before the said company shall receive toll for traveling said roads they shall cause mile stones or posts to be erected and maintained,, one for each and every mile in use on said road, and on each post or stone shall be fairly and legibly marked the distance the said stone or post is from Tinton Falls, 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, and also a board, on which shall be printed in large letters "keep to the right as the law directs."

Penalty for injuring works.

17. *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 either of the said roads, or wilfully tear down or deface any of the rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes, railings, fenders or bridges that shall be erected pursuant to this act, or shall forcibly pass the gates or turnpikes without paying 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 either of the said roads to pass a gate or gates, on private grounds adjacent thereto, and enter again on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would be for passing through said gate, to be recovered by the said company, for the use thereof in an action of debt, with costs of suit.

Not to delay travelers.

18. *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 demand and receive more toll than is by this act established, the company 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.

Not to obstruct passage.

19. *And be it enacted*, That all the drivers of carriages sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using either of the said roads shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing directions, leaving the other side of the said road free and clear for other carriages, sleighs or persons on horseback to pass; and if any person should 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 also be subject to an action for damages for every such offense, to be recovered with costs of suit.

Proceedings when road is not kept in repair.

20. *And be it enacted*, That if the said company should not keep either of the said roads, bridges, rails and fenders in repair, and complaint thereof shall be made to any judge of the court of common pleas wherein the same shall be situate, he shall immediately appoint, by writing, three disinterested freeholders of the county as aforesaid, who shall view said road so complained of and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, the company shall for such offense forfeit and pay the sum of 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 judge 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 appointed, or a majority of them, on application of the said company again to view the said road, rails, fenders or bridges, and report as aforesaid to the said judge, who shall if authorizedby the report of the 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 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, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint,

21. *And be it enacted*, That whenever the said company shall have completed any two consecutive miles of either of said roads according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across said roads or either of them, and demand and receive toll for traveling thereon, agreeably to the rules herein specified. When to take tolls.

22. *And be it enacted*, That it shall and may be lawful for said company to erect and maintain along the line of said turnpike roads or either of them, and within the limits of the highways along which the same may be constructed, gates and convenient toll houses for the toll gatherers; and that if the said branch turnpike road hereby authorized should not be constructed; or if the said branch turnpike road hereby authorized to be constructed shall not be in good traveling condition according to the requirements of this act, the said company shall have the right to collect the said tolls as specified in this act on their main turnpike road hereby authorized to be constructed. May erect toll houses.

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

Approved March 7, 1866.

CHAPTER XCVI.

An act to incorporate the Eatontown and Squan 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 Eatontown and Squan Turnpike Company shall be opened by Samuel T. White, Benjamin King, William Barnes, James N. Allen, Benjamin C. White, Theodore Field, Samuel T. Hendrickson, Samuel Stout and Benjamin D. Pearce, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they or a majority of them Commissioners to receive subscriptions.

may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Monmouth in this state.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with liberty for the said company to increase the same to a sum not exceeding fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two 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 Eatontown and Squan 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.

Subscriptions how called in and paid.

3. *And be it enacted*, That at the time of subscribing for said stock, ten dollars shall be paid upon each share subscribed, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscription shall be paid in installments at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give notice thereof in the manner aforesaid, and upon failure of the payment thereof, as so directed, the said president and directors of the company 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;

Proviso.

provided, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of

Proviso.

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;

Proviso.

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

Limitation of subscriptions.

4. *And be it enacted*, That if the number of shares herein made necessary for the incorporation of said company be not subscribed for within three years from the time of opening

said books, this act and all the subscriptions under it shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers or their representatives, in proportion to the sums paid in by them.

Election of directors.

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

Powers of directors.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall hold his office for one year and until another shall be elected, and receive such compensation as a majority of such directors shall direct, and shall be the presiding officer of 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.

Vacancies how filled.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy in the intervals between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer and all officers, agents, superintendents, and other servants that may be required to transact the business of the

company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company and the management of its affairs; *provided*, the same are not unlawful or unconstitutional.

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.

Special meetings.

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

No forfeiture for failure to elect.

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

May construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Eatontown, in the county of Monmouth, to Squan Village, in said county, which said turnpike road shall be constructed on and along the public highway, beginning at the junction of the public highways in Eatontown village, in said county, and leading thence to the Half-way House, and thence on and along the public highway leading to Green

Grove, and thence on and along the public highway leading to Shark river, and thence upon the public highway leading to New Bedford, and thence on and along the public highway leading to Squan Village, at the junction of the highways at formerly O. Curtis' store, except in those places where the public highway is not straight; then and in those places the said company shall have power to construct the said turnpike road where, and of the width, they may deem proper; and the width of said turnpike road shall be governed by the public roads upon which it may be made; *provided*, that before the said company shall construct the said turnpike road, they shall pay to the respective owners of the lands over which the said turnpike road is constructed, all damages which said owners will sustain by reason of the construction of the said turnpike road; and in case said company and any of the owners cannot agree upon the amount of the said damages, 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 materials from his, or her land, 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 owners will sustain thereby; and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only; *provided also*, that if the lands whereon said road is to be constructed shall belong to the state aforesaid, then the said company shall have power to take the right of way only, without compensation or charge. Proviso. Proviso.

12. *And be it enacted*, That the said turnpike road shall be constructed at least twenty-six feet in breadth along the middle, as near as may be, of the said highways, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof, and more, as the said company may determine the said highway will admit of, 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 turnpike shall be furnished with good and sufficient bridges along the line of said road, not less than sixteen feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at Width, grade, &c.

the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

May enter on lands adjoining.

14. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons and other caraiages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the 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 the said company to give notice thereof to the person interested, if known and in this state, and 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 damage, 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 examine and view the said land or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by 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 lands or materials, and the apportionment and oaths and affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered plenary evidence of the right of said company to have, hold, use, occupy and enjoy the land and materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and 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 of their treasurer, and shall constitute a lien upon the property of the compa y 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.

May erect gates.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several instructions 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 turnpikes across the said road, not exceeding six in number, and to demand and receive toll for traveling each mile, and all fractions of a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one and a half cents;

For every additional beast, one cent;

For every horse and rider or led horse and mule, nine mills;

For every dozen of calves, sheep or hogs, two cents;

For every dozen of horses, mules or cattle, eight cents; And it may and shall be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, mules or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; that nothing in this 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 public worship on the Sabbath day, or passing 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 training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of the state or of the United States.

Mile posts or stones to be erected.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected or 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 stone or post is from Eatontown, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs."

Penalty for injuring works.

16. *And be it enacted*, That if any person wilfully breaks down or throws down, or defaces 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 tolls 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 gate or gates without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by said company by an action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person in his or her carriage, team or horse, turn off the said road to pass a gate or gates, again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five dollars, to be recovered by said company for the use thereof, in an action of debt, with costs of suit.

17. *And be it enacted*, That if any toll-gatherer shall unne-

cessarily delay or hinder any traveler passing at any gate or gates, or shall receive more toll than is by this act established, the company shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person or persons so unreasonably hindered or defrauded. Not to delay travelers.

18. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road, in the passing direction, leaving the other side of the road free for carriages or persons on horseback; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be so 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. Not to obstruct passage.

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 town 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, 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 the 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 the 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, the company 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 for debt, with costs of suit; and the justice shall be allowed for his services fifty cents, Proceedings when road is not kept in repair.

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 tolls 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 person or persons making the complaint; and in case the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner as before 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.

Restrictions and liabilities.

20. *And be it enacted*, That the directors or a majority of the directors of said company may select such of the public highways on the above stated route for the construction of said turnpike as aforesaid as they or a majority of them may deem proper, and that the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

When to take toll.

21. *And be it enacted*, That when said company shall have completed two consecutive miles of said road according to the directions and meaning of this act, it shall be lawful for the said company to erect a toll gate across the said road and demand and receive toll for travelling thereon agreeable to the foregoing rates.

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

Approved March 7, 1866.

CHAPTER XCVII.

A supplement to the act entitled "An act for the Settlements and Relief of the Poor."

Power to bind out poor children vested in president and secretary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and secretary of the board of managers of the poor house belonging to the associated townships of Middletown, Howell, Wall and Atlantic, in the county of Monmouth, and the townships of Brick and Dover, in the county of Ocean, be and are hereby authorized to bind out the poor children that are or may hereafter become inmates of said poor house, and that in binding out such poor children the said president and secretary shall be vested with the like powers and subject to the same duties as are the justices of the peace and overseers of the poor in binding out such poor children under the law to which this is a supplement.

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

Approved March 7, 1866.

CHAPTER XCVIII.

An act to incorporate the Odd Fellows Hall Association of Newark, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel T. Clark, James F. Bond, Amos H. Searfoss, Daniel Wallace, John S. Clark, Marcus L. Ward, Aaron M. King, John Dunham, Nathaniel B. Gardner, John Thatcher, William S. Denton, Bailey B. Douglass, Francis R. Force, Theodore A. Ross, David Campbell, Peter P. Saunier, George W. Hubbard, John H. Vinson, Peter M. Mellick, Walling V. W. Vreeland, Oscar Wiener, Simon Wiener, Henry Weiss, Moritz Berla, Wolf Schreiner, John Herwig, Antoine Schaef, Philip Wendlein, Henry Rommell and Bernard Straus, their successors and such persons as now are or

hereafter may be associated with them, shall be and hereby are ordained, constituted and declared to be a body politic and corporate in fact and in law, by the name, style and title of "The Odd Fellows Hall Association of the city of Newark."

Object of association.

2. *And be it enacted*, That the object of said association shall be the erection of an Odd Fellows Hall in the city of Newark for which purpose they shall be authorized and empowered to purchase and hold such real and personal estate as may be necessary for the purposes of said association, and erect thereon such building or buildings as may be necessary, and also to manage the same in such lawful manner as may be for the best interests of the association.

Amount of capital stock

3 *And be it enacted*, That the capital stock of said association shall not exceed the sum of two hundred thousand dollars ($200,000), to be divided into shares of twenty-five dollars each, the said shares to be deemed personal property and transferable in such manner as the laws and regulations of said association shall direct.

Election of directors.

4. *And be it enacted*, That the government of the association, the management and disposition of its stock property and concerns, shall be vested in twenty-one directors, to be chosen from among the stockholders at their first meeting, who shall be elected to serve for the period of three years,

Proviso.

and until the election of their successors; *provided*, that the directors so chosen shall at their first meeting determine by lot, the one-third part of their number who shall go out of office at the first annual election of directors, as provided in this act hereafter; also, another one-third part of their number who shall go out of office at the second annual election,

Proviso.

as provided in this act; *and provided further*, that the directors elected to fill the vacancies as above provided for, shall serve for the period of three years; and in all cases the directors chosen at any election shall be capable of serving by virtue thereof until another election shall be held; and should any vacancy or vacancies occur during the interval between the annual elections by reason of death, resignation or otherwise, in such cases the remaining directors, or a majority of them, may proceed to choose persons from among

Proviso.

the stockholders to fill such vacancy or vacancies; *provided further*, that the directors shall choose from among their own body a president, a vice-president, a secretary and a treasurer, who shall severally hold their offices for the term of one

Proviso.

year and until the election of their successors; *provided fur-*

ther, that any officer may for official misconduct be removed by the directors; *provided further*, that the directors shall keep, or cause to be kept, proper books of accounts, in which shall be kept a record of all the transactions of the association, which books shall at all times be subject to the inspection of the stockholders, his, her or their legal attorney or attorneys; they shall also make an annual report of their acts and doings to the stockholders; they shall also adopt and enforce such regulations and by-laws for the government of the business of the association as they may deem necessary. Proviso.

5. *And be it enacted*, That the election of directors as aforesaid shall be held annually, on the third Tuesday in June, at such hour and place in the city of Newark as may be directed by the by-laws of said association; *provided*, that at least five days public notice of such election shall be given in two or more newspapers (if two there be) published in the city of Newark; and at such election each stockholder shall be entitled to as many votes, in person or by proxy, as he, she or they may hold shares of the capital stock of said association; *provided further*, that in case it should at any time happen that an election should not be held on the day that pursuant to the provisions of this act it ought to be held, the said association 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 laws of said association. Time of holding elections. Proviso. Proviso.

6. *And be it enacted*, That the following named persons shall be commissioners, for the purpose of receiving subscriptions to the capital stock of said association, and organizing the same, to wit: Daniel T. Clark, Marcus L. Ward, William S. Denton, Walling V. W. Vreeland, Antoine Schaef and Oscar Wiener; and whenever the sum of one hundred thousand dollars shall have been subscribed to said stock it shall be the duty of the commissioners to call a meeting of the subscribers for the purpose of organizing said association; *provided*, that at such organization no subscription or vote shall be valid or received, unless there shall have been paid ten per centum on each share of stock upon which the person subscribing claims a vote in such organization; *provided further*, that the directors may require such further installments or payments upon the stock, to be made at such time as they may direct; and any stockholder neglecting or refusing to pay the installments as required by the directors, Commissioners to receive subscriptions. Proviso. Proviso.

within thirty days after being duly notified, his, her or their installments and payments already made may be forfeited to the association by a vote of the directors.

May purchase lands, and erect buildings.

7. *And be it enacted*, That whenever the sum of one hundred thousand dollars of the stock as aforesaid has been subscribed for, and twenty per centum of each share so subscribed shall have been paid as required by the directors, the directors may purchase such lands and hereditaments as may be necessary for the purposes of the association, and cause to be erected thereon such buildings as may be deemed by them needful and proper for the purposes of the association.

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

Approved March 7, 1866.

CHAPTER XCIX.

An act to incorporate the Grand Lodge of the Most Ancient and Honorable Society of Free and Accepted Masons of the State of New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Silas Whitehead, John Hopper, Robert Rusling, James H. Stevens, Jonathan S. Fish, Joseph H. Hough, Joseph Trimble, Daniel B. Bruen, David Naar, William S. Bowen, Henry R. Cannon, David S. Plume, Thomas J. Corson, William E. Pine and James S. Gamble, and their associates, officers and members of the Grand Lodge of Free and Accepted Masons of the State of New Jersey, and their successors be and are hereby constituted and declared to be a body corporate and politic in law by the name, style and title of "The Grand Lodge of the Most Ancient and Honorable Society of Free and Accepted Masons for the State of New Jersey," and by that name they and their successors shall and may at all times hereafter be capable in law of having, purchasing and holding any lands, tenements, hereditaments and personal estate purchased, devised or bequeathed by any person or persons, body corporate or politic, capable to devise or bequeath the same; and also

to have a common seal and the same to use at pleasure, and to enact a constitution and by-laws for their own government, and to alter and amend the same, and to make and ordain such rules and regulations and to appoint such agent or agents at their regular stated meetings as may seem to them necessary and proper for the management and disposal of their property, whether real or personal; *provided always,* that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of ten thousand dollars per annum. Proviso.

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

Approved March 7, 1866.

CHAPTER C.

An act to relieve and sustain The Soldiers' Children's Home.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That John K. Smith, Abraham O. Zabriskie and Samuel K. Wilson be and they are hereby appointed and constituted commissioners for the purpose of selecting a suitable site on which may be erected buildings for the Soldiers' Children's Home. Commissioners.

2. *And be it enacted,* That the said commissioners, or a majority of them, shall have power to purchase, at a price not exceeding ten thousand dollars, a site for the location of said home, and so much land as shall be deemed necessary for gardening purposes. Power of commissioners.

3. *And be it enacted,* That whenever said commissioners shall procure a suitable site for said building, and a good and sufficient title to the state of New Jersey therefor shall be duly executed and delivered, and the title thereof being approved by the attorney general, the treasurer of the state is hereby directed to pay to the said commissioners such sum or sums of money as may be required to pay for the said site, not exceeding the said sum of ten thousand dollars, upon the warrant of the comptroller. State treasurer to pay sum not exceeding $10,000.

Governor to appoint commissioners to make contract.

4. *And be it enacted*, That at any time after said site shall be obtained by said commissioners, not exceeding thirty days, the governor shall appoint three commissioners to contract for the erection of said buildings on said lands for the use of said Soldiers' Children's Home, on such plan and terms as they shall deem just and proper; *always providing*, that said plan shall embrace the most approved constructions for such buildings conducing to the comfort and economical management of the institution; *and further providing*, that said plan and terms of the said contracts shall be approved by the governor; and it shall be the duty of said commissioners, or one or more of them, to superintend the building of said home with a view to the due execution of the work on the part of those with whom they shall contract for the erection thereof, and in case of the death, inability, or refusal to serve of one or more of said commissioners, the governor shall have power to fill such vacancy.

Proviso.

Proviso.

State treasurer to pay the money required to build said home

5. *And be it enacted*, That the treasurer of the state is hereby directed to pay to the said commissioners, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the building of said home, not exceeding twenty thousand dollars; the comptroller of the state shall audit the accounts of said commissioners.

Commissioners to make report

6. *And be it enacted*, That it shall be the duty of the commissioners to make a detailed report of all the moneys expended by them by virtue of this act, and of the progress which shall been made in the erection of said buildings, to the governor of the state, on or before the first day of January next, and as often thereafter as the governor shall or may from time to time require.

Commissioners to give bonds.

7. *And be it enacted*, That the said last named commissioners, before entering on the duties of their office, shall give their bonds with two or more sufficient sureties, to be approved by the governor, jointly and severally to the state, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties required of them by this act.

Managers to make quarterly report.

8. *And be it enacted*, That it shall be the duty of the managers of the said Soldiers' Children's Home, to make and submit a report to the governor of this state, at the expiration of every three months, showing the average number of children maintained in the said home during such quarter, which said report shall be duly certified by the president

and attested by the secretary of the said home, and in order to support the said home, and to carry out the designs and purposes of this act, the treasurer of this state shall pay out of any moneys in the treasury not otherwise appropriated to the treasurer of Soldiers' Children's Home aforesaid, the sum of thirty-seven dollars and fifty cents for each child maintained in said home for such quarter, upon a warrant of the comptroller, to be continued for ten successive years.

Compensation of commissioners.

9. *And be it enacted*, That each of said commissioners appointed by the governor by virtue of this act, to contract for and superintend the building of the said home, shall be allowed for his said services, while actually employed in the duties of his office, the sum of two dollars per day, and the comptroller of the state shall audit the accounts of the said commissioners for services, and upon his certificate and warrant the treasurer will pay the same.

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

Approved March 7, 1866.

CHAPTER CI.

An act to incorporate the New Jersey Printing and Publishing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius Walsh, Theodore P. Howell, Francis Mackin, David S. Plume and George A. Halsey, and their associates and successors, be and they are hereby created a body politic and corporate by the name of "The New Jersey Printing and Publishing Company," for the purpose of printing, publishing and binding books, periodicals and journals, and executing all kinds of job printing whatever, with power to purchase and sell all kinds of materials incident to the said business, and with power to lease, purchase and hold real and personal estate, in fee or otherwise, as may by said corporation be deemed necessary and advantageous for carrying on said business, and to sell, lease and mortgage the same or any portion thereof,

together with all the powers and privileges, and 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 of incorporation.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be twenty-five thousand dollars, with power to increase the same to fifty thousand dollars, divided into shares of ten dollars each, and said company may commence business when twenty-five thousand dollars shall have been paid into the capital stock.

President how appointed.

3. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by a board of directors of not less than five nor more than nine (as may be fixed by the by-laws of the company), being shareholders, and the said board shall annually, at such times as shall be fixed by the by-laws, appoint a president and such other officers as they may think proper, and the persons named in the first section of this act shall be the first directors, to continue in office respectively until their successors are chosen.

Election of directors.

4. *And be it enacted*, That the directors of said company shall be chosen annually, at such time and place and on such public notice as may be fixed by the by-laws of the company; all elections shall be by ballot, and each share shall be entitled to one vote, and the vote may be given in person or by proxy; and if from any cause an election for directors shall not take place at the appointed time, it shall not therefor work a forfeiture of this charter, but the former directors shall continue in office until their successors shall be chosen, either at a regular or special subsequent election in conformity with the by-laws of said corporation; and any vacancy occurring in the board by death, resignation or by increasing the number of directors, or otherwise, shall at all times be filled for the unexpired term by the said board, a majority of whom shall constitute a quorum.

Books of subscription to be opened by corporators.

5. *And be it enacted*, That the said company shall be located in the city of Newark, and the corporators hereinbefore mentioned, or a majority of them, are hereby authorized to open subscription books and receive subscriptions to the capital stock at such times and places as they shall determine, and to do all things necessary to establish and carry on the business of said company.

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

Approved March 7, 1866.

CHAPTER CII.

An act to incorporate the Middlesex Building and Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas W. Strong, Lewis Thomas, Wright Robins, Ellis F. Ayers and Moses Webb 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 Middlesex Building and Land 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 Middlesex 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. Names of corporators.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five (5) 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 Middlesex; and such 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, Election of directors.

officers and superintendents, and make such compensation, and assign such duties to the said agents, officers and superintendents as they shall think fit; and if at any time, it shall happen that any vacancy or vacancies occur, from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen by the stockholders, the first directors shall be Thomas W. Strong, Lewis Thomas, Wright Robins, Ellis F. Ayers Moses Webb, who shall hold their offices until the first Monday of May next, or until others are legally chosen.

First directors.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of fifty dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the 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 ten 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 Middlesex 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 all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time in the said county of Middlesex 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.

To sell real estate.

4. *And be it enacted*, That the said company are hereby

authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, to open, lay out, grade or vacate streets and alleys, and to use the same for agricultural purposes or in any other lawful way that the said corporation may deem necessary and advisable.

Powers of directors.

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.

Not to be dissolved by failure to elect.

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.

Act may be repealed.

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 thirty years.

Approved March 7, 1866.

CHAPTER CIII.

An act to incorporate the Union Stage Line Association.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Clark, Clarkson Ogden, James S. Howey, Edwin Craft, Chalkly A. Rulon, Samuel M. Parker and Taylor Haines, and such other persons as have or may associate 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 Union Stage Line Association, for the purpose of running a line of stages

from Swedesboro' to Woodbury, or such other place or places as shall be deemed to be to the advantage of the corporation, with power to lease, purchase and hold real and personal estate as may be by the said corporation deemed necessary, and in general to do and execute all acts, matters and things which a corporation or body politic in law may or can lawfully do or execute.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the corporation shall be twenty-five hundred dollars, and shall be divided into shares of twenty-five dollars each, which shares shall be deemed personal property and transferable in such manner as said corporation by their by-laws may direct; and when one thousand dollars of the capital stock shall have been subscribed and paid in, the directors hereafter named may then proceed to carry out the purpose for which the organization was effected.

Directors to make by-laws.

3. *And be it enacted*, That the affairs of the corporation shall be managed by seven directors, being shareholders, and a majority of whom shall form a quorum for the transaction of business; they shall make all the necessary by-laws, and said directors shall be elected by ballot, each share entitling the holder thereof to one vote.

First directors.

4. *And be it enacted*, That John H. Clark, Clarkson Ogden, James S. Howey, Edwin Craft, Chalkly A. Rulon, Samuel M. Parker and Taylor Haines shall be the first directors to organize and manage the affairs of the corporation, and shall continue in office until the second Saturday in September, eighteen hundred and sixty-six, and until others are elected in their place.

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

Approved March 7, 1866.

CHAPTER CIV.

An act enabling certain corporations to hold real estate in adjoining States.

Power to convey real estate.

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

canal, or transportation company, incorporated by this state, to lease, purchase, hold and convey any real estate that may be necessary for the purpose of carrying on their business in any of the adjoining states, the laws of such state or states not prohibiting.

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

Approved March 7, 1866.

CHAPTER CV.

A further supplement to the act entitled An act concerning Fees.

Rates of fees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks and registers of the respective counties of the state may, from and after the passage of this act, lawfully charge at the rate of ten cents per folio for the recording all deeds, mortgages, and assignments of mortgages; and may also charge twelve cents per folio for official copies and abstracts from the records and files of their respective offices when made by them.

2. *And be it enacted*, That the said clerks and registers may charge the sum of seventy-five cents for the registration of each and every mortgage by them registered after the pasage of this act.

Fees paid by county collector.

3. *And be it enacted*, That in all criminal cases upon indictment, on the acquittal of the defendant, the fees of the court, clerk and sheriff shall be paid by the county collector, upon the taxed bill, certified to be correct by the prosecutor of the pleas.

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

Approved March 7, 1866.

CHAPTER CVI.

A further supplement to an act entitled "An act to authorize the erection of a bridge over Cooper's Creek," approved March sixth, eighteen hundred and fifty-six.

Part of former act Repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act above recited, approved March tenth, eighteen hundred and fifty-eight, be and the same is hereby repealed; and that it shall be the duty of the board of chosen freeholders of the county of Camden to provide a careful person or persons to open the draw in the bridge across Cooper's creek, in the county of Camden, immediately opposite the point where the street commonly called State street strikes the said creek; and that it shall be the duty of the said person or persons to close the said draw as soon as they conveniently can after the passage of every vessel through said draw; *provided*, that for every wilful neglect in not closing said draw, the said county shall forfeit the sum of twenty-five dollars, to be recovered by action of debt before any court of competent jurisdiction.

Proviso.

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

Approved March 7, 1866.

CHAPTER CVII.

An act to change the name of the "Warren Street Methodist Episcopal Church of Newark."

Name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "Warren Street Methodist Episcopal Church of Newark," be and the same is hereby changed to the "Trinity Methodist Episcopal Church of Newark.,'

Rights &c. unchanged.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation shall remain the same as if this act

had not been passed; and that this act shall take effect immediately.

Approved March 7, 1866.

CHAPTER CVIII.

An act to incorporate the Manchester Land and Improvement Company of Passaic County.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That Thomas D. Hoxsey, David B. Beam, Samuel Smith, Thomas F. Hoxsey and Henry Smith, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of the "Manchester Land and Improvement Company of Passaic County," and by that name shall be capable in law of purchasing, using, holding, letting, disposing and conveying any lands, tenements, hereditaments and appurtenances thereto belonging, and goods and chattels, and performing all other acts necessary or proper for accomplishing the objects of said corporation hereby granted, and may hereby receive and make all deeds, transfers, conveyances, covenants, grants, contracts, agreements, whatsoever necessary for the said purposes. Names of corporators.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of twenty-five dollars each, but as soon as twenty-five thousand dollars of said capital stock shall have been subscribed and shall be paid or secured to be paid, it shall be lawful for said company to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively such installments, and at such times and in such proportions and upon such notice as they shall deem proper, not exceeding five dollars on each share at any one time, and in case of failure by any stockholder to pay his or her installment or installments, as the Amount of capital stock

case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon for the use of the said company.

Stock transferable.

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

Election of directors.

4. *And be it enacted*, That the affairs of said company shall be managed by a board of not less than five nor more than seven directors, to be chosen by the stockholders of the said company annually at such time and in such manner as by the by-laws of the said company may be directed, and who shall serve for one year and until others shall be chosen in their stead, notice of which said election shall be given previously for two weeks at least in some newspaper published in the county where the said election is to be held, that a majority of said board shall constitute a quorum for the transaction of business, that the said directors shall from time to time elect a president out of their body, and shall also elect and employ such other officers as may be convenient and necessary, and the said directors may fill vacancies in their own board until the next annual election, and that Thomas D. Hoxsey, David B. Beam, Samuel Smith, Thomas F. Hoxsey and Henry Smith, shall be the first directors of said company, who, or a majority of them, shall as soon as convenient after the passage of this act assemble and organize said company, and shall continue in office until others as hereinbefore directed shall be chosen in their stead.

First directors.

May be dissolved

Proviso.

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

6. *And be it enacted*, That this act shall continue for twenty years, and it shall be lawful for the legislature of this state to alter, modify, or repeal the same whenever in their opinion the public good may require it. Limitation.

7. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable. Restrictions and liabilities.

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

Approved March 7, 1866.

CHAPTER CIX.

An act to incorporate the Alongshoremen's Union Protective and Benevolent Association of Hoboken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis Costello, Oliver Anderson, James McCarty, Henry Evling, Jeremiah O'Callaghan, Patrick Hays and Richard Huggins, and such other persons as may become associated with them, be and they are hereby constituted and made a body politic and corporate, to be known in fact and law as "The Alongshoremen's Union Protective and Benevolent Association of Hoboken," and by that name they and their successors 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 successors, 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 the objects of said incorporation, and may acquire and hold real and personal estate necessary for the objects of the incorporation; *provided*, the same shall not exceed the sum of ten thousand dollars. Names of corporators. Proviso.

2. *And be it enacted*, That the object of said association is purely benevolent; to collect, manage and control a fund, and to distribute the same, from time to time, or any portion Object.

thereof towards the relief and support of sick or disabled members, and those out of employment.

Election of officers

3. *And be it enacted*, That the members of said association shall have power at their annual meeting, to be held on the first Thursday in April, to elect from among their number a president, vice president, general and corresponding secretaries and treasurer, who shall hold their offices until others are elected in their stead; they shall also have power to elect such other officers from time to time, as may be necessary to fully carry out the provisions of this act; and that all the funds collected by said association shall be invested by such officers and in such way and manner as said association may by its by-laws direct.

Proviso.

4. *And be it enacted*, That the said association shall have power to make and prescribe such by-laws, rules and regulations as to them may seem needful; *provided*, the same shall not be inconsistent with this act or the constitution of this state.

Exempt from tax.

5. *And be it enacted*, That the property and effects of the said association held or used for the purposes designed by this act shall not be subject to the payment of any tax under the laws of the state.

Limitation.

Proviso.

6. *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.

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

Approved March 8, 1866.

CHAPTER CX.

A supplement to "An act to incorporate the Union Fire Company of Trenton," passed December twenty-ninth, eighteen hundred and twenty-four.

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company are hereby authorized to increase their capital stock to ten thousand dollars.

Approved March 8, 1866.

CHAPTER CXI.

An act to prevent Horses, Cattle, Sheep and Swine from running at large in the township of Atlantic, in the county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, be and the same are hereby extended to the township of Atlantic, in the county of Monmouth. Provision of former act extended.

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

Approved March 8, 1866.

CHAPTER CXII.

An act to incorporate the Rochdale Seminary and Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Josiah P. Huntoon, David B. Beam, William A. Demuth, Charles S. Archer, Garret Van Wagoner, Anning S. Chittenden and Alexander Scott, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of "The Rochdale Seminary and Land Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, disposing and conveying any land, tenements, hereditaments and appurtenances thereto belonging, goods and chattels, and of performing all other acts necessary or proper for accomplishing the objects of the said corporation hereby granted; and may receive and make all deeds, transfers, conveyances, cove- Names of corporators.

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nants, grants, contracts, agreements and bargains whatsoever necessary for the said purpose.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding three hundred thousand dollars, divided into shares of one hundred dollars each; but as soon as twenty-five thousand dollars of said capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall be lawful for said company to proceed to carry into effect the objects of said corporation, and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively such installments, and at such times and in such proportions and upon such notice as they shall deem proper, not exceeding ten dollars on each share at any one time, and in case of failure by any stockholder to pay his or her installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockolder shall incur a forfeiture of his or her share or shares and of all previous payments made thereon, for the use of said company.

Stock transferable.

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

Election of directors.

4. *And be it enacted*, That the affairs of the said company shall be managed by a board of not less than seven nor more than thirteen directors, to be chosen by the stockholders of the said company annually, at such time and in such manner as by the by-laws of the said company may be directed, and who shall serve for one year and until others shall be chosen in their stead, notice of which said election shall be given previously, for two weeks at least, in some newspaper published in the county where the said election is held; that a majority of said board shall constitute a quorum for the transaction of business, that the said directors shall from time to time elect a president out of their body, and shall also elect and employ such other officers as may be convenient and necessary, that said directors may fill vacancies in their own board until the next annual election, and that Garret Van Wagoner, Josiah P. Huntoon,

First directors.

David B. Beam, Anning S. Chittenden, William A. Demuth,

Charles S. Archer and Charles Henry Housman, shall be the first directors of said company, who, or a majority of them, shall as soon as convenient after the passage of this act assemble and organize said company, and shall continue in office until others as hereinbefore directed shall be chosen in their stead.

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

6. *And be it enacted*, That this act shall continue for twenty years, and it shall be lawful for the legislature of this state to alter, modify or repeal the same whenever in their opinion the public good may require it. Limitation.

7. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable. Restrictions and liabilities.

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

Approved March 8, 1866.

CHAPTER CXIII.

An act to incorporate "Stewart Lodge," number thirty-four, Ancient Free and Accepted Masons of the State of New Jersey.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That Augustus E. Sanderson, George N. Apgar, Jacob A. Cline, John B. Weller, John R. Emery, Peter F. Hoffman, John A. Apgar, Richard H. Gano, John Names of corporators.

R. Moore, James R. Kline, William J. Iliff, and their associates, officers and members of "Stewart Lodge, number thirty-four, Ancient Free and Accepted Masons, of the State of New Jersey," and their successors be and they are hereby declared to be a body politic and corporate in law, by the name, style and title of "Stewart Lodge, number thirty-four, Ancient Free and Accepted Masons," and by that name they and their successors may at all times hereafter be able to sue, and be sued, plead and be impleaded, have full power to collect any debts now due and owing, or which may become due and owing to the said "Stewart Lodge," in any court of law having cognizance of the same.

May hold real estate.

2. *And be it enacted*, That the said corporation shall be capable of having, holding, and possessing any lands, tenements, hereditaments and personal estate, purchased or devised by any person or persons, bodies corporate or politic, capable of making the same; *provided*, that the said corporation or body politic shall not at any time hold property, real, personal, or mixed, exceeding in value the sum of five thousand dollars.

Proviso.

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

Approved March 8, 1866.

CHAPTER CXIV.

A further supplement to the act entitled "An act to incorporate the city of Cape Island," approved February twenty-eighth, eighteen hundred and fifty-one.

Election of officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the first annual election for city officers to be held in the city of Cape Island, after the passage of this supplement, there shall be elected one recorder, one alderman and six councilmen, who shall as provided in the act to which this is a supplement, constitute the city council of the city of Cape Island; that the said recorder, aldermen and councilmen shall, at the first annual meeting after the passage of this supplement, divide themselves by lot, or otherwise, into two classes, so that the seats of the re-

corder or alderman and of three of said councilmen constituting the first class shall be vacated at the end of the first year, and the seats of the recorder or alderman and three councilmen constituting the second class shall be vacated at the end of the second year, and so that one recorder or alderman and three councilmen shall be elected every year; and if vacancies in any of such offices shall occur by resignation or otherwise, the persons elected to fill such vacancies shall be elected for the unexpired term only.

General powers.

2. *And be it enacted*, That the city council in city council assembled, shall have power to pass such ordinances as they may deem proper for the prevention and abatement of nuisances, and to declare what shall be nuisances in any lots, enclosures, streets and alleys in said city, and on the beach and strand in front of said city; and all the powers granted in the act to which this is a supplement, in relation to the streets and alleys of said city, are hereby declared to extend and apply to said beach or strand as one of the highways of said city; may prescribe and require licences and to declare the amount to be paid thereon by petty shopkeepers, keepers of ordinaries and victualling houses, for such periods as may be desired, and they may deem proper, and prescribe and declare the time and mode of payment, and provide for the collection thereof; may declare and regulate the amount to be paid for licenses by innkeepers and tavernkeepers, the time and mode of payment, and provide for the collection thereof; *provided*, that no license shall exceed the sum of one hundred dollars for the term of one year, or other less period in any one year.

Proviso.

Taxes.

3. *And be it enacted*, That unpaid taxes as provided for in the twenty-second section of the act to which this is a supplement, shall bear interest at the rate of twelve per centum per annum from the time therein specified until paid.

Commitments.

4. *And be it enacted*, That so much of the fifteenth section of the act to which this is a supplement as provides for the payment by the city of Cape Island of the expenses of offenders committed to the jail of the county by the mayor, recorder or alderman of said city, shall be held to apply only to offenders against the ordinances of said city, and committed on account thereof.

5. *And be it enacted*, That it shall be unlawful for any person or persons to bury any dead body within the city limits of the city of Cape Island.

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

Approved March 8, 1866.

CHAPTER CXV.

An act to incorporate the "Trenton Lock Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph G. Brearley, Charles Gregg, J. Harris Cogill, Francis B. Pye, Lewis Maney, J. N. Junkin and Elias Cook and their associates, shall be and they are hereby declared to be a body corporate and politic in fact and in law, by the name of the "Trenton Lock Company," for the purpose of manufacturing and selling all articles of which iron, steel or brass forms the principal ingredient; and for that purpose may rent or purchase, and hold such real estate, water privileges, machinery and effects as may be required for the purposes of said corporation or may accrue to them in the course of business, and may sell, mortgage, lease or otherwise dispose of the same.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be sixty thousand dollars, with the privilege to increase the same to the sum of two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the persons named in this act are hereby appointed commissioners to receive subscribtions to said capital stock at such time and place, in the city of Trenton, as a majority of them may appoint.

Election of directors.

3. *And be it enacted*, That the business of said corporation shall be managed by five directors, all of whom shall be stockholders and one of whom shall be president who shall hold their offices for one year and until others are elected in their stead; and that the said directors shall be chosen on the second Monday of April in every year at such time and place as shall be directed by the by-laws of said corporation, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own, and the persons having the greatest number of

votes, being stockholders, shall be declared elected directors.

4. *And be it enacted*, That the first directors shall be the first five persons named in the first section of this act, who shall hold their office until the second Monday of April, anno domini eighteen hundred and sixty-six, or until others are legally elected. First directors.

5. *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 or of the United States, and may appoint such subordinate officers as the business of the corporation may require. Powers of directors.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferred only on the books of the company in such manner as the by-laws may prescribe. Stock transferable.

7. *And be it enacted*, That regular books of account shall be kept in the office of said company in or near the city of Trenton, to which books every stockholder shall have free access at all reasonable times for the purpose of inspection. Books of account to be kept.

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

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

Approved March 9, 1866.

CHAPTER CXVI.

An act to provide for the draining of the meadows on Black Brook and its branches, and on Tongue and Hammock Ditches in the townships of Hanover and Chatham in the county of Morris.

Time and place of meeting.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners of flowed lands lying between the Whippany river and the Columbia turnpike and on and in the vicinity of Black Brook and its branches, including Pinch ditch and other tributary streams, and on Tongue ditch and Hammock ditch, to meet together annually on the first Monday of May at two o'clock in the afternoon, and that their first meeting shall be held at the house of Marcus Ward, in the said township of Hanover, where said meetings shall continue to be held unless it shall be determined otherwise, and choose by ballot by a plurality vote a moderator, clerk, and three managers, all of whom shall continue in office one year and until others are chosen.

Clerk to keep record.

2. *And be it enacted*, That it shall be the duty of the clerk to procure a book which shall be kept by him and his successors in office, and in which shall be recorded the proceedings of the said annual meetings, and the said book or a certified copy thereof signed by the moderator and clerk for the time being, shall be received in evidence in any court where the same may be required.

Duties of managers.

3. *And be it enacted*, That it shall be the duty of said managers or a majority of them within five days after the time fixed for said annual meetings to inspect said brook and its branches including said Pinch ditch and other ditches lying within the river and turnpike aforesaid, and the lands overflowed and liable to be overflowed thereby within the limits aforesaid and thereupon determine and decide by writing under their hands whether the said brook and its tributaries and ditches or any or either of them, are so obstructed as to require clearing out and what lands will be benefited by such clearing out, which decision and determination shall be by the said managers certified to the said clerk and by him recorded in said book.

4. *And be it enacted*, That immediately after said determin-

ation and decision the said managers or a majority of them, shall after ten days' public notice thereof sell at public auction to the lowest responsible bidder or bidders, the contract or contracts for opening on or before the first day of July then next, said brook and tributaries and ditches as required by said decision and determination which contracts may be in such form as the said managers shall adopt but shall not bind them personally unless so expressly stated therein. Contracts to be made.

5. *And be it enacted*, That the said managers shall, within five days after the said contracts shall have been made as aforesaid, appoint annually, by writing, under their hands, an assessor whose duty it shall be to assess upon the owners of said lands so to be benefited by the clearing out of said brook and its tributaries, and said ditches within the limits aforesaid the expenses thereof as ascertained by said contracts in proportion to the benefit each owner will receive, in the opinion of said assessor, from the clearing out of said obstructions, and said assessor shall, within ten days after his appointment, make return of his assessment to the said managers, who shall thereupon, within five days thereafter, cause the said clerk to give notice thereof to said owners of lands so assessed, and if any owner of lands shall feel aggrieved by said assessment, he may appeal therefrom to said managers who shall appoint a time and place for the hearing of all appeals to them made, and their decision in the premises shall be final and conclusive. Duties of assessor.

6. *And be it enacted*, That the said assessment shall be due and payable to said managers on or before the fifteenth day of July in each year, and if any person assessed shall neglect or refuse to pay his assessment as herein required, fifty per centum shall be added thereto, and the same shall be a lien upon his said lands benefited, and he may be sued therefor by said managers in an action of debt in any court having cognizance thereof, and the action may be brought in the individual names of the said managers, or any two of them, and it shall be sufficient to declare that the suit is brought to recover of the defendant an assessment made against him under and by virtue of this act, and the said managers, or any two of them may sell at public auction, after five days' notice in five public places, the crops growing on the said lands of the person or persons so making default as aforesaid, in order to raise and pay the amount of his, her, or their assessment with costs and the said addition of fifty per centum. Assessments when payable.

Compensation of officers.

7. *And be it enacted*, That the said managers and clerk shall be entitled to the sum of one dollar and fifty cents, and the said assessor shall be entitled to the sum of two dollars and fifty cents for each and every day they may be respectively employed in and about the duties of their said offices; and it shall be the duty of the said assessor to levy and assess as aforesaid, in addition to the expenses of clearing out said brook and tributaries and ditches, such amount as the said managers and clerk, or a majority of them shall, under their hands, certify to him is nesessary to be raised to pay the said clerk, managers and assessors, and other necessary expenses incurred or to be incurred during that year in and about the making and collecting of said assessment.s

Oath to be made.

8. *And be it enacted*, That the said managers, clerk and assessor, shall before entering upon the duties of their respective offices, take an oath, faithfully, fairly, and impartially to perform the duties required of them by this act.

Power of contractors.

9. *And be it enacted*, That it shall be lawful for the person or persons taking the said contracts from said managers to enter upon any lands and do the work required by said contracts, doing no unnecessary damage to private property.

Former act repealed.

10. *And be it enacted*, That the act entitled "An act more effectually to provide for the draining of the Meadows on Black Brook and its branches, in the townships of Hanover and Chatham, in the county of Morris," passed December second, eighteen hundred and twenty-three, be and the same is hereby repealed.

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

Approved March 9, 1866.

CHAPTER CXVII.

An act to authorize Ann C. Lawler to make a deed for a lot of land.

Preamble.

WHEREAS, Richard M. Johnson, late of the township of Howell, in the county of Monmouth, and state of New Jersey, hath departed this life intestate, seized of a certain tract of land situate in said township, adjoining lands of Aaron

Brewer, Andrew Simpson and Sylvester Patterson, and containing about twenty-nine acres; and whereas, the said Richard M. Johnson was an illegitimate child of said Ann C. Lawler, late Ann C. Johnson, and departed this life without ever having been married, leaving his mother, the said Ann C. Lawler, him surviving, whereby the said lot of land would escheat to the state of New Jersey; and it appearing that the said lot of land is worth about three hundred dollars, and is subject to a life estate of said Ann C. Lawler, of the undivided one-third part thereof; and no person now having any authority to dispose of said lot of land, or to make a valid title therefor to the purchasers thereof, which difficulty, in justice, ought to be removed, therefore,

Sale of lands made legal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Ann C. Lawler shall be and is hereby authorized to sell and dispose of said lot of land, and make as good and valid title therefor to the purchaser thereof as the said Richard M. Johnson might or could have done, if living; and any legal record of said deed or title shall be deemed and considered as good, valid and sufficient in law, and shall be taken and received in evidence; the money arising from said sale shall be first applied to the payment, according to their legal priority, of the just debts of the said Richard M. Johnson, deceased, if any, and the residue, if any, shall belong to the said Ann C. Lawler, any law, custom or usage to the contrary notwithstanding.

Approved March 9, 1866.

CHAPTER CXVIII.

A further supplement to an act entitled "An act to incorporate the Trenton Iron Company," approved February sixteenth, eighteen hundred and forty-seven.

Preamble.

WHEREAS, The Trenton Iron Company is desirous to reduce its business and capital by the sale of a portion of its works, and whereas, the sale may be more advantageously effected, for its stock and bonds in whole or in part payment, inasmuch as it will enable such of the present

stockholders as may desire to become purchasers, to avail themselves of their existing interest in the company, therefore,

Power of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Trenton Iron Company, are hereby authorized and empowered to sell and convey any portion of the real and personal property of the said corporation, in exchange for its stock and bonds, or either or both of them or for money.

Capital stock may be reduced.

2. *And be it enacted*, That it shall and may be lawful for the directors of the Trenton Iron Company to reduce the capital stock of the said company, so as to represent the reduced value of the property, either by reducing the par value of the shares, or by a voluntary surrender of shares on the part of the stockholders.

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

Approved March 9, 1866.

CHAPTER CXIX.

An act authorizing the Board of Education of the City of Camden to sell or exchange a lot of Land situate at the northeast corner of Fourth and Hartman streets, in the Middle Ward of the City of Camden, in order to change the location of the School House in said Middle Ward.

Authority to sell lot of land.

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 Camden are hereby authorized and empowered to sell or exchange the lot of land now owned by them, and situated at the northeast corner of Fourth and Hartman streets in the Middle Ward of the city of Camden, in order to change the location of the school house in such ward to such other site as may be selected and agreed upon by the said the board of education of the city of Camden, and to make good and sufficient conveyance in law, for the aforesaid lot of land first above mentioned, to any person or persons who may purchase or exchange for the said lot of land.

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

Approved March 9, 1866.

CHAPTER CXX.

A supplement to the act entitled "An act to incorporate Saint Mary's Orphan Asylum, in the city of Newark," approved March tenth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That instead of the trustees or directors; provided, and authorized by the act to which this is a supplement for the management and direction of the business and affairs of Saint Mary's Orphan Asylum; the business and affairs of said corporation shall from and after the approval of this act be managed, directed and conducted by a board of directors, to consist of the bishop for the time being of the Roman Catholic diocese of Newark in this state, (who shall ex-officio be president of the board), the respective pastors for the time being, of the Roman Catholic churches in the city of Newark, in this state, known as Saint Patrick's church, Saint John's church, and Saint James' church, and two persons from each of the wards for the time being of the said city of Newark; said bishop and pastors are to be ex-officio members of said board; said board of directors hereby created, shall have all the powers, rights, and privileges; which under, or by virtue of said act, are conferred upon, or vested in said trustees or directors thereby authorized, or which under the provisions of that act, they might lawfully exercise, and they may elect a treasurer and secretary, not of their own number. Power of directors.

2. *And be it enacted*, That on the first Monday in January next, and annually thereafter, there shall be held under the direction of the directors of said corporation for the time being, and on such notice of time and place of election, as they shall deem expedient, an election for the directors, other than the ex-officio directors by this act authorized, at which election twice as many persons as there shall be wards for the time being in said city, shall be chosen (two Election of directors.

persons from each ward) directors of said corporation, who shall hold office for the term of one year, and until others shall be elected in their stead; the qualifications of voters at said election, to be the same as provided in, and by the act to which this is a supplement for voters at the election of trustees or directors; and a majority of the persons voting at any such election, shall be required for the election of such directors; all vacancies occurring by reason of the death, resignation or removal of any of said directors so to be chosen, to be filled by the board until next election.

First directors.

3. *And be it enacted*, That Felix McCarty and John Regan of the first ward, Christopher Nugent and Patrick O'Rourke of the second ward, Michael Ward and Michael Shanley of the third ward, Michael Fumegan and Michael Ledwith of the fourth ward, Patrick Brady and Michael Phillips of the fifth ward, James Moran and Thomas Lynn of the sixth ward, Patrick Whelan and Thomas McGrath of the seventh ward, Francis Quin and Patrick Kerrigan of the eighth ward, John Byrne and Charles Briady of the ninth ward, William Madden and Thomas Stanley of the tenth ward, Edward Rowe and Walter McCree of the eleventh ward, James Reilly and Patrick Carpenter of the twelfth ward, and James Smith and Patrick Hetherton of the thirteenth ward, of said city, shall from and after the approval of this act, and until others are chosen in their stead, under the provisions of this act, be with said ex-officio directors, the directors of said corporation.

Location.

4. *And be it enacted*, That notwithstanding, anything in said act contained, it shall be lawful for said corporation to locate their asylum, or any part of the same upon, or to use for the purposes contemplated by said act, or by this act, the land and premises now owned by said corporation in the township of South Orange, in the county of Essex, in this state, and used by them as an asylum, and that the property and effects of said corporation held or used by them under or for the purposes contemplated by this act, or the act to which this is a supplement, shall not be subject to the imposition of any tax.

Repealer.

5. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

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

Approved March 9, 1866.

CHAPTER CXXI.

An act to authorize the United States Watch Company to establish works in this state and to incorporate the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the United States Watch Company, a corporation incorporated under and by virtue of the laws of the state of New York, be and the same is hereby authorized to establish works in this state for the manufacture and sale of watches, watch movements, watch cases and all kinds of timepieces, and to take, hold, use, possess, convey and dispose of real and personal property in this state; *provided always*, that an office be kept in this state where legal process may be served on the said company. Proviso.

2. *And be it enacted*, That said corporation may borrow money and secure the same by mortgage on any of its real estate, and may erect any building or buildings that it may deem necessary for the purposes of such manufacture and for the accommodation of its workmen and other employees, and sell, lease or otherwise dispose of any of such buildings for cash or upon credit, and if sold upon credit may take mortgages to secure the payment of any part of the purchase money thereof. Loans how secured.

3. *And be it enacted*, That if the said corporation, or its board of directors or trustees, shall desire to become a corporation in this state, organized under the laws thereof, that upon the said board of directors or trustees adopting a resolution to that effect and filing a copy thereof, duly certified under its corporate seal, attested by its president and secretary, in the office of the clerk of the county of Hudson, the said corporation and its stockholders are hereby created a body corporate of this state for the purpose of manufacturing, selling and dealing in watches, watch movements, watch cases and timepieces of every description, and may take, hold, use, possess, mortgage and convey real and personal property in this state, and shall be possessed of the rights and privileges mentioned in and conferred by the second section of this act. To become a corporate body.

4. *And be it enacted*, That the capital stock of the said corporation shall not exeeed the sum of one million dollars, to be divided in shares of one hundred dollars each, which shall Amount of capital stock

be deemed personal property, and upon the filing of the copy of the resolution provided for in the third section of this act whereby the corporation shall be created, the present stockholders of said company shall be the stockholders of the said corporation to be created by virtue of this act, each owning the number of shares in said corporation that shall have been awarded and set apart to him, her or them, and that he, she or they shall now own in the corporation, under the laws of the state of New York, and all liens, claims, rights and equities existing in relation to any of the stock of the said corporation created under the laws of the state of New York, shall attach, exist and continue as to same stock in the corporation created under this act.

Officers.

5. *And be it enacted*, That the officers of the said corporation created under the laws of the state of New York shall be the officers of the corporation to be created under this act until the next election of officers provided for by the by-laws of the said corporation created under the laws of the state of New York.

Election of directors.

6. *And be it enacted*, That the corporation to be created by virtue of this act, its property, business and affairs shall be managed by five directors to be selected from the stockholders, and all elections of directors shall be by ballot of the stockholders in person or by proxy, allowing one vote for each share which they shall hold in his, her or their name at the time of voting; that a majority of the directors shall form a quorum capable of attending to any business; and any vacancy in the board of directors may be filled by the remaining directors until the next annual election; and if for any reason an election of directors shall not be held at the time appointed, the corporation shall not for that cause or non user be dissolved, but such election may be held as shall be provided by the by-laws at any time within one year thereafter, provided ten days' notice shall be given of such election by publication thereof in some newspaper published in the county of Hudson, in this state.

President.

7. *And be it enacted*, That the directors at their first meeting after the election shall choose from among their own number a president of the company, to serve until the next annual election.

Power to enact by-laws.

8. *And be it enacted*, That the by-laws of the said corporation, created under the laws of the state of New York, so far as they do not conflict with any law of this state, shall be the by-laws of the corporation to be created by this act,

until altered or repealed, and the said corporation to be created by this act shall have power, from time to time, to enact such by-laws as its board of directors shall deem necessary and proper; *provided*, they do not conflict with any law of this state. Proviso.

9. *And be it enacted*, That the property of the said corporation, created under the laws of the state of New York, and to be created under this act within this state, shall be subject to taxation for state, county and other purposes, in like manner as the property of individuals, but neither of the said corporations shall be subject to any other tax whatever. Taxes.

10. *And be it enacted*, That the corporation to be created under this act shall possess all the rights and powers and be subject to the restrictions and liabilities contained in the "act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable. Restrictions and liabilities.

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

Approved March 9, 1866.

CHAPTER CXXII.

An act to incorporate The General Accident Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Stephens, Reuben D. Baldwin, Sydney S. Burnet, Jno. H. G. Hawes, Charles O. Bolles, James M. Durand, Elihu Day, Caleb S. Titsworth, Isaac Pomeroy, Edgar Farmer, George A. Keen and William H. Camp and all others who may become associated with them as stockholders, as is hereinafter provided, their successors and assigns forever, be and they hereby are created and made a body corporate and politic, for the purpose of insuring persons against the accidental loss of life or personal injury, resulting from any cause, by the name of "The General Accident Insurance Company," and by that name shall be and hereby are empowered to purchase, have, hold, Names of corporators.

possess and enjoy, to themselves and their successors, land, tenements, hereditaments, goods, chattels and effects of every kind, and the same to grant, alien, sell, invest and dispose of; to sue and be sued, plead and be impleaded, in all courts of justice, to have and use a common seal, and the same to change, alter and renew at pleasure; and to ordain and put into execution such by-laws and regulations as they may deem proper for the well ordering and government of said corporation and the transaction of its business; *provided*, they be not repugnant to the laws of the United States or of this state, or to the provisions of this act of incorporation.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said corporation shall not be less than one hundred thousand dollars, and may be at any time hereafter increased by said company to any sum not exceeding five 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 to said capital stock, at the time of subscribing for the same, an installment of five dollars on each share of stock by him subscribed for; and a further installment of five dollars on each share shall be paid within sixty days after the organization of said company; and the remainder of said shares so subscribed for shall, within sixty days after the organization of said company be secured to be paid either by bonds and mortgages on real estate, or by such endorsed promissary notes, and such other securities as shall be approved of by the directors of said corporation, and shall be payable in such installments and at such times as the directors may determine; and such endorsers shall have a lien on the stock for which such note or notes are given.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be transferable according to the rules and regulations of the company, and if any subscriber of any share or shares of said stock shall neglect or refuse to pay the installments as aforesaid, or to secure the payment of the residue of the stock by him subscribed as aforesaid, for the space of sixty days after the same shall become due or required and after thirty days' notice to such stockholders, the stock of such negligent stockholder shall be sold by the directors in such manner as they may provide in the by-laws; and the proceeds of said sales shall be first applied in payment of the installments called for, and the expenses attending the sale, and the balance, if any,

shall be refunded to the owner of said stock; and such sale shall, in all respects, entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

4. *And be it enacted*, That the business of said corporation shall be the insuring of persons against the accidental loss of life or personal injury, sustained from any cause, in the United States and other countries; and contracts of insurance may be made on such terms and conditions and for such periods of time, and confined to such persons, as shall be from time to time, ordered and provided for by the by-laws of said corporation. Insurance how effected.

5. *And be it enacted*, That the office of said company shall be located in Newark, and the stock, property and affairs of said corporation shall be managed and conducted by not less than seven nor more than seventeen directors, (the number of said directors to be determined by the by-laws of said company), to be chosen by ballot from among and by the stockholders; which directors first chosen shall hold their office until the second Tuesday of July next ensuing their election and until others are chosen to supply their places; and the annual meeting for the choice of directors shall, after the first election, be holden at the city of Newark on the second Tuesday of July or on such other day as shall be determined by the by-laws of said corporation, in the choice of directors as aforesaid, each stockholder present or represented by his attorney, shall be allowed one vote for each and every share of stock by him then held, and none but stockholders shall be eligible to the office of director, and the stockholders may determine what number of directors may constitute a quorum for business.

6. *And be it enacted*, That if it shall so happen that an election of directors of said corporation shall not take place at the time of the annual meeting thereof in any year, said corporation shall not be dissolved thereby, but an election may be had at any time within one year thereafter, the time to be fixed upon and notice thereof given by the directors last chosen; and public notice by order of the directors shall always be given at least ten days previous to any meeting of the stockholders in a newspaper published in Newark, and in such other way as may be deemed expedient, and the President shall have power to call special meetings of the stockholders whenever thereto requested by three of the directors. Not dissolved by reason of failure to elect.

Commissioners to receive subscriptions.

7. *And be it enacted*, That to carry out the provisions of this act, and to organize the said corporation, the corporators named in the first section of this act shall have power to appoint four persons, who shall receive subscriptions to the capital stock thereof, and the first installment thereon, and as such are hereby authorized to close the subscription books of said company when the said capital stock shall be fully subscribed, or in case that said capital stock shall be over subscribed, to distribute and apportion the same among the subscribers as the said persons so appointed as aforesaid to distribute may deem proper, and when the capital stock shall have been subscribed for and the first installment has been paid thereon by a notice given in some newspaper published in Newark three weeks before the time of meeting, the said subscribers may meet together at the time and place named in said call, and at that or some adjourned meeting may adopt such by-laws, rules and regulations as may be necessary and convenient for commencing and carrying on business under this act; they may also at the same or some subsequent time choose a board of directors in the manner hereinbefore provided, who shall hold their offices with all the powers given to directors by this act until others are chosen to supply their places; and when the by-laws have been adopted and the directors have been chosen as aforesaid and when the board of directors shall have been organized by the choice of a president and secretary the said corporation may exercise all the powers and privileges conferred by this act.

Directors to appoint officers, &c.

8. *And be it enacted*, That the directors may choose a president, vice-president and secretary of their corporation, and appoint such other officers, clerks and agents, and establish such agencies in this state and elsewhere, as shall be by them deemed advisable for conducting the business of the company, fix their compensation, and take bonds for any or all of them for the faithful performance of their duties, and make such covenants and agreements as may be deemed necessary; the president and vice president shall be chosen from among the directors, and may hold their appointments for one year, and until others are chosen; but the other officers and servants of said company may be displaced and a new one appointed at the pleasure of the directors; in the absence or disability of the president, the vice-president shall preside, and if both are absent or disabled, the directors may choose a president pro tempore; and in case any

vacancy shall occur in the board of directors, the remaining directors may choose a director or directors from among the stockholders to fill such vacancy who shall hold the appointment until others are chosen in their places.

Policies.

9. *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 corporation, and shall be binding and obligatory upon said corporation according to the true intent and meaning of such policies and contracts.

Dividends.

10. *And be it enacted*, That the capital stock, moneys and personal estate of said corporation may be invested at the discretion of the directors, either in loans upon bonds and mortgages upon real estate, or in United States stocks, bank stocks, or stocks or bonds created by any city or state, or of corporations created by this state, and the same may be called in and reinvested at pleasure under the provisions of this act; and dividends of profit may be declared and paid from time to time to the stockholders as may be required by the by-laws.

Losses how collected.

11. *And be it enacted*, That suits at law may be maintained by any stockholder or person insured by said company against said corporation for losses or injuries insured against by said company, if payment shall be withheld more than thirty days after the same shall be due, and payable by the terms of the policy of insurance or other contract; and after the said corporation shall have been duly notified of such loss or injury.

Earnings may be divided.

12. *And be it enacted*, That the said corporation may, if the board of directors at any time hereafter deem it advisable, do all or any part of the business contemplated by this act upon the mutual system, dividing with the insured a part of the earnings of the company; and in case such a plan should be agreed upon, the word "mutual" may be inserted in the name of the company between the words accident and insurance.

Act may be repealed.

13. *And be it enacted*, That this act may be altered, amended or repealed, at the pleasure of the legislature, and nothing contained therein shall be so construed as to authorize said company to engage in the business of banking.

Approved March 9, 1866.

CHAPTER CXXIII.

A further supplement to the act to regulate elections.

Time of opening and closing polls

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all the elections to be held in this state, the polls shall open at seven o'clock, A. M., and close at sunset.

Approved March 9, 1866.

CHAPTER CXXIV.

An act incorporating the Board of Education of Landis township, Cumberland county.

Names of first board of education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Pryor, William O. H. Groynneth, Joseph W. Morton, William A. House, John E. Tyler, John Kaudle, A. B. Hough, Lemuel H. Aiken and W. H. Gardner, and their successors in office, are hereby constituted a body corporate under the title of "The Board of Education of Landis Township."

Limitation of term of office.

2. *And be it enacted*, That the three persons first named above shall hold their offices till the annual town meeting of Landis township in eighteen hundred and sixty-seven, the next three till the annual town meeting in eighteen hundred and sixty-eight, and the remaining three till the annual town meeting in eighteen hundred and sixty-nine.

Term of service.

3. *And be it enacted*, That the township of Landis shall, at their annual town meeting, in each successive year after the adoption of this act, elect three persons to fill the places of those whose term of service in the board of education shall then expire; said persons shall hold their offices for three years.

Officers to be appointed.

4. *And be it enacted*, That within ten days after the adoption of this act, and within ten days after the annual town meeting in each subsequent year, the board of education shall meet at Union Hall or other suitable place in the town-

ship and organize by the appointment of a president, secretary and treasurer, who shall hold their offices for one year and shall perform the duties usually assigned to such officers.

5. *And be it enacted*, That this board shall in general have all the powers usually belonging to bodies corporate; in particular they shall have power to receive and disburse all school funds that may accrue from any source whatever to the township of Landis; to purchase with these funds and to hold in trust for the township real and personal property, as also to improve or dispose of the same; to establish and maintain such schools as may be needed for the accommodation of the township at such places as they may deem proper; to employ teachers in the same and fix their annual, monthly or weekly compensation; to take the general oversight and control of both the external and internal management of the schools, including discipline and the selection of text books; to purchase libraries and apparatus for the use of the schools and provide for the proper care of the same, and to furnish text books at the public expense to such pupils as they may believe to be unable to procure the same, they also shall have power to employ a general superintendent and pay him a reasonable compensation for the time and labor which he may expend in visiting the schools or hearing classes. Corporate and general powers.

6. *And be it enacted*, That the public schools of Landis township, which are hereby placed under the exclusive control of this board of education, shall as far as practicable, be thoroughly graded.

7. *And be it enacted*, That all actual residents of the township of Landis over six years of age, shall be entitled to the benefits of these schools, subject to the single condition of good behaviour in school; and the board of education shall have power to require the attendance of all children between the ages of nine and fifteen years, at least four months in each and every year (unless the education of such children be otherwise provided for) and to impose a fine not exceeding twenty-five dollars per annum, on any parent or guardian who shall neglect or refuse to comply with such requirements, after due notification of the same; said fines to be collected, with costs, by action of debt, in any court having cognizance of that sum, the money to be added to school fund of the township. Fines.

8. *And be it enacted*, That persons who are not residents of

the township of Landis, may be admitted to the schools by the board, on the payment of a stipulated sum in advance;

Proviso. *provided*, that no school shall by this means, be uncomfortably crowded.

Estimate of expenses to be made annually. 9. *And be it enacted*, That the board on or before the first day of February in each year, shall make an estimate of all moneys that may be needed for the ensuing year; specifying the sum required for each particular purpose; as for lots, buildings, repairs, contingent expenses, salaries, libraries, apparatus, etc., and shall cause the same to be duly advertised in the township; giving notice at the same time, that the township will be requested at the next annual meeting, to vote a school tax sufficient to meet these anticipated expenses, or to authorize a loan for these purposes, or a portion of them.

Poll tax. 10. *And be it enacted*, That at the annual town meeting the voters may authorize the township committee to levy a school poll tax, not exceeding one dollar, on each taxable male resident of the township.

School tax. 11. *And be it enacted*, That at the same time the voters may authorize the township committee to levy a school tax, of a specific amount, on all the taxable property in the township.

Taxes to be assessed. 12. *And be it enacted*, That when the above taxes, or either of them shall have been authorized, it shall be the duty of the township committee to cause the same to be assessed and collected, along with the other taxes of the township, and to be paid over to the treasurer of the board of education.

Loan authorized. 13. *And be it enacted*, That at the annual town meeting the voters may authorize the township committee to raise a specified sum of money by loan, to be expended for school purposes.

Property to be transfered. 14. *And be it enacted*, That the trustees of the several school districts heretofore organized in the township of Landis shall, within thirty days after the adoption of this act, transfer all school property held in trust by them, for their several districts, to the board of education, and the township committee shall credit the inhabitants of the several districts with the amount of school tax already paid for building purposes.

Annual report to be made. 15. *And be it enacted*, That the board of education shall make a report on or before the first Monday in February, in each year, to the township committee, of all the proceedings

of the previous year, which report shall always be open to the inspection of any person interested in the same.

Allowances.

16. *And be it enacted*, That the inhabitants residing in the old districts that have built school houses, shall have an allowance made to them in future assessments, proportionate to the amount that they have been taxed for school buildings.

Report to state superintendent.

17. *And be it enacted*, That the board of directors, through their president and secretary, shall report to the state superintendent of schools in the same manner as the township superintendent is required to do, by the general school law; and it shall be the duty of the collector of the county of Cumberland to pay over, annually, to the treasurer of this board, or his order, all school funds to which the township of Landis may be entitled.

Vacancies.

18. *And be it enacted*, That should any vacancy occur in this board, the board shall have power to fill the same.

19. *And be it enacted*, That this act shall take effect immediately after its adoption, by a majority of the votes cast at such meeting.

Repealer.

20. *And be it enacted*, That so much of the general school law of the state as provides for the election of a township superintendent, for the districting of the township, and the election of district trustees; and, in general, all acts and parts of acts inconsistent with this act, are, as far as their application to the township of Landis is concerned, hereby repealed.

Approved March 9, 1866.

CHAPTER CXXV.

A supplement to the act entitled "An act to incorporate the National Fire and Marine Insurance Company," approved April sixth, eighteen hundred and sixty-five.

Number of directors increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of directors of said company authorized by the act to which this is a supplement may be increased to any number not exceeding thirty, whenever the board of directors shall by resolution order

such increase; and at the first election of directors of said company held after the passage of such resolution, there shall be elected by the stockholders such number of directors, not exceeding thirty, as shall be ordered by such resolution, who shall be elected in the manner, possess the qualifications and perform the duties prescribed by the act to which this is a supplement.

Quorum. 2. *And be it enacted*, That seven of the directors of said company shall be and they are hereby constituted a quorum of said directors, and authorized to do and perform all acts which the directors of said company are authorized to do and perform by the act to which this is a supplement.

Repealer. 3. *And be it enacted*, That all parts of the act to which this is a supplement inconsistent with the provisions of this act, be and the same are hereby repealed, and also that so much of the act to which this is a supplement as limits the duration of the said company to thirty years, is hereby repealed.

Approved March 9, 1866.

CHAPTER CXXVI.

An act to establish certain streets in the village of Rancocas, in the county of Burlington, as public highways.

Preamble. WHEREAS, in the laying out of the plot of ground upon which the village of Rancocas is built, Second street, of thirty-three feet in width, and Olive street, of thirty feet in width, as now opened, were appropriated by the owners of the soil as public streets and highways; and purchasers of lots bounding upon said streets and improvements erected thereon have been made and done with the understanding that said streets should be as public highways; now, in order that this understanding may be more fully carried into effect,

Certain streets declared to be public highways. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Second street, of thirty-three feet in width, and Olive street, of thirty feet in width, in the village of Rancocas, Burlington county, as appropriated by the former owners of the soil, and now opened and of the width

as aforesaid, are hereby established as public highways and valid, and of the same effect as if made by surveyors of the highways according to law.

Approved March 9, 1866.

CHAPTER CXXVII.

An act to equalize taxes in the township of Frankford, county of Sussex, and to provide for raising of moneys and the payment of the same to certain persons who were drafted, furnished substitutes or paid commutation money in lieu of service in the year eighteen hundred and sixty-four.

Power and authority to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of the said township of Frankford, or a majority of them, and they are hereby ordered and directed to issue bonds in the name of "The Inhabitants of the Township of Frankford, in the County of Sussex," under the hands and seals of the said committee or a majority of them, in such denominations as they may deem proper, payable at such time or times and at such place and at such rate of interest (not exceeding seven per centum per annum) as they or a majority of them shall determine, which said bonds when issued shall be countersigned by the town clerk and numbered and registered by him, and the said township of Frankford is hereby made liable in its corporate capacity for the payment and redemption of said bonds, and the proper officers of the said township are hereby authorized and required to levy and collect in the same manner and at the same time that other township taxes are levied and collected by tax a sufficient amount of money to pay off and discharge the interest which may accrue on said bonds from time to time as the same shall become due, and to pay the principle thereof at maturity.

Bonds how sold.

2. *And be it enacted*, That the said township committee shall be and they are hereby authorized and directed to sell and dispose of the said bonds and obligations at not less than their par value, and from the moneys arising from the

sale thereof pay to each person who was drafted into the service of the United States from said township in the months of June, July and August, in the year eighteen hundred and sixty-four, and who furnished an acceptable substitute, which substitute was credited to said township on the quota assigned thereto, and to each person who, being drafted as aforesaid, entered the service and was duly mustered therein and credited to the said quota as aforesaid, or to his legal representative, in case of the death of every such person, the sum of five hundred dollars, with interest thereon from the time such person was drafted or furnished a substitute as aforesaid, and the said township committee are further hereby authorized and directed to pay to each person drafted into the service of the United States from said township during the months aforesaid, and who paid commutation money in lieu of such service, or to the legal representatives of such person in case of his death, the sum of three hundred dollars, with interest from the time said commutation money was paid.

3. *And be it enacted*, That in case any person who was drafted and furnished a substitute as aforesaid, or paid commutation money as aforesaid, shall have received from any club or association any sum of money, on account of having been drafted as aforesaid, that the sum so received by him shall be deducted from the sum so ordered to be paid as aforesaid to such person, and that the sum or sums so received from such club or association, with interest from the time of the payment thereof, shall be paid by the said township committee to such club or association, to be ratably divided among the members thereof; *provided*, such club or association was organized and the members thereof resided within the township of Frankford aforesaid.

Proviso.

Issue of bonds to be limited.

4. *And be it enacted*, That the amount for which the said township committee shall issue bonds as by the first section of this act directed, and for which the said township shall be held liable, shall in no case exceed the amount necessary to pay the sum or sums which the said township committee are by this act directed to pay.

Limitation.

5. *And be it enacted*, That the said township committee of said township shall enter upon the performance of their duties under this act as soon after the passage thereof as convenient, and shall complete the same within six months therefrom.

Poll tax.

6. *And be it enacted*, That in levying and collecting all

taxes assessed under and by virtue of this act, there shall be levied and assessed a poll tax of five dollars upon all persons under existing laws subject to poll tax.

7. *And be it enacted*, That all laws or parts of laws by which a greater sum than five dollars is ordered and directed to be raised for poll tax from the inhabitants of said township of Frankford, be and the same is hereby repealed, and in lieu thereof the sum of five dollars shall be levied and raised. Repealer.

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

Approved March 9, 1866.

CHAPTER CXXVIII.

A further supplement to the act entitled "An act to authorize the inhabitants of the City of New Brunswick School District Number one, of the Township of North Brunswick, County of Middlesex, to elect a Board of Education." approved March third, Anno Domini eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of education are hereby authorized and directed to cause to be levied, raised and collected yearly and every year by tax in the manner hereinafter mentioned, such sum or sums of money for the support of public schools in said district as the said board shall yearly fix and determine as proper and necessary to be raised for the ensuing year, for the support of the public schools in said district not exceeding the rate of four ($4) dollars for every child within the said district between the ages of five and eighteen years, as ascertained pursuant to law for the previous year. School tax assessed and collected.

2. *And be it enacted*, That the said board of education shall yearly cause to be made their certificate, under the hands of their president and secretary, and duly verified by said president and secretary, that the same is true and correct to the best of their belief of the amount so fixed and determined by the said board as proper and necessary to be raised for the ensuing year for the object and purposes aforesaid, and deliver the same to the assessors of the said city of New Assessments how collected.

Brunswick, and the said assessors shall assess the said sum or sums on the estates and inhabitants of said district liable to be taxed therein, and the said sum or sums shall be assessed, levied and collected by the persons at the time and in the manner as the city, county and state taxes are assessed levied and collected in said city, and it shall be the duty of the several collectors and other officer or officers by law authorized to collect the taxes in said city of New Brunswick, to pay over all said school moneys by them or him collected, had and received from time to time, as by them or him collected, had and received, to the treasurer of said board of education, upon the order of the president of said board, and the receipts of said treasurer shall be a full and sufficient voucher to said collectors or officers.

Repealer.

3. *And be it enacted*, That all acts and parts of acts relating to raising money for the support of public schools at the annual township meeting of the city and township of New Brunswick, inconsistent with 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 9, 1866.

CHAPTER CXXIX.

A further supplement to the act entitled "An act for the punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Duties of justices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the two justices before whom any person shall hereafter be tried as provided in the thirty-fourth and thirty-fifth sections of the act to which this is a supplement, to make under their hands and seals a full and complete record of all the proceedings had in every such case tried before them, which record shall contain the name of the person tried, a copy of the complaint made against such person, the time of trial, the names of all witnesses produced and sworn, the amount of fees paid to such witnesses, the finding of such justices, and in case of

conviction the sentence pronounced, and the amount of costs and penalty (if any) paid by such person, which record it shall be the duty of such justices to file in the office of the clerk of the court of general quarter sessions of the peace of the county where such trial is had within ten days after such trial shall have been concluded, there to remain of record, and if said justices shall fail or neglect to make or file such record, they shall respectively forfeit and pay the sum of fifty dollars for each and every such failure or neglect, to be recovered against them and their sureties, respectively, by action of debt with costs in any court having cognizance of the same, and paid when recovered to the collector of the county, who is hereby authorized and required to prosecute for the same.

2. *And be it enacted*, That the justices shall be entitled to receive the sum of twenty-five cents each, for each record made and filed by them in pursuance of this act, and the clerk of said court of general quarter sessions of the peace, the sum of ten cents for filing such record. Fees.

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

Approved March 9, 1866.

CHAPTER CXXX.

A supplement to an act entitled "An act to incorporate the Red Bank and Eatontown Turnpike Company," approved February ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the said company may increase its capital stock to any sum not exceeding fourteen thousand dollars. For increase of capital.

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

Approved March 9, 1866.

CHAPTER CXXXI.

A further supplement to an act entitled "An act to incorporate "The Delaware Manufacturing Company at Trenton," passed March third, eighteen hundred and thirty-seven.

To increase capital stock

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the directors of the New Jersey Steel and Iron Company (formerly called "The Delaware Manufacturing Company of Trenton,") to increase the capital stock of the said company, from time to time to any amount not exceeding one million of dollars; and that so much of the charter of the said company as limits its duration to twenty-five years be, and the same is hereby repealed; and that the said charter continue in force for twenty-five years from the passage of this supplement.

Directors empowered to issue bonds.

2. *And be it enacted*, That the directors of the said company are hereby authorized and empowered to issue and sell its bonds and obligations, bearing interest at the rate of seven per centum per annum, containing such stipulations in regard to the payment thereof, as may be deemed advisable, and to secure the same by mortgage on the property of the said company.

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

Approved March 13 1866.

CHAPTER CXXXII.

An act to repeal an act entitled "An act to authorize the Kensington and New Jersey Ferry Company, to establish a steamboat ferry across the Delaware."

Preamble.

WHEREAS, Senate Bill Number Seven entitled "An act to authorize the Kensington and New Jersey Ferry Company," to establish a steamboat ferry across the Delaware, was by accident sent to his Excellency the governor, with-

out being correctly engrossed, and was by him approved; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act is hereby declared to be null and void. Former act repealed.

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

Approved March 13, 1866.

CHAPTER CXXXIII.

A further supplement to an act entitled "An act to incorporate the Oxford Iron Company," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Oxford Iron Company to issue bonds to an amount not exceeding two hundred and fifty thousand dollars, bearing interest at the rate of seven per centum per annum, and to secure the payment of the same by a mortgage upon all or any part of their property and franchises, and no plea of usury shall be interposed to prevent the collection of any bond thus issued or of the interest thereon. Issue of bonds legalized.

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

Approved March 13, 1866.

CHAPTER CXXXIV.

A further supplement to an act entitled "An act to incorporate the Raritan and Delaware Bay Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the completion of the road mentioned in section four of a supplement to the act Time for completion extended.

to which this is a supplement, approved March eighteenth, eighteen hundred and fifty-eight, be and the same is hereby extended for two years from the eighteenth day of March, eighteen hundred and sixty-six.

Approved March 13, 1866.

CHAPTER CXXXV.

Supplement to an act entitled "An act to incorporate the Newark and South Orange Horse Car Railroad Company," approved April sixth, eighteen hundred and sixty-five.

Substitution

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the word "Clinton" occurs in the act to which this is a supplement, the words "South Orange" shall be substituted therefor.

Extension of time.

2. *And be it enacted*, That the time mentioned for the completion and putting in use of said railroad, in the eighteenth section of the act to which this is a supplement, shall be extended for one year thereby making such time four years from the fourth day of July, eighteen hundred and sixty-five.

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

Approved March 13, 1866.

CHAPTER CXXXVI.

A further supplement to the act entitled "An act to prevent Frauds by Incorporated Companies," approved April fifteenth, eighteen hundred and forty-six.

Land may be sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the property of an insolvent corporation, in the hands of a receiver or trustees, appointed under the act to which this is a supplement, is in-

cumbered with mortgages or other liens, the legality of which is brought in question, and the property is of a character materially to deteriorate in value pending the litigation, thereupon the Court of Chancery may order such receiver or trustees to sell the same, clear of incumbrances at public or private sale for the best price that can be obtained, bringing the money into the Court of Chancery, there to remain subject to the same liens and equities of all parties in interest, as was the property before it was sold, and to be disposed of as the said Court by its decree shall order and direct.

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

Approved March 13, 1866.

CHAPTER CXXXVII.

An act to incorporate the Lyceum at Long Branch.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael M. Van Dyke, Thomas Cooper, James H. Joline, Zebulon W. Scriven, George W. Brown, and their associates, shall be and are hereby created, declared and constituted a body politic and corporate, in fact and in name, by the name and style of the "Lyceum at Long Branch," and by that name they and their successors shall have perpetual succession, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make a common seal, and to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, or any goods, chattels, legacies, donations, annuities or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of for the benefit of said corporation; and the said association hereby incorporated shall succeed to and is hereby vested with all the property, rights and privileges intended in this act, and that all property acquired by said corporation shall be expressly for the same. Names of corporators.

Object of the corporation.

2. *And be it enacted*, That the object of the corporation shall be for the promotion of education, and shall be located at Long Branch, in Monmouth county, wherever a majority of the stockholders may so determine at a special election held for that purpose, ten days' notice having been given by advertisements in any newspaper published in said county, or set up in five public places in said county.

Amount of capital authorized.

3. *And be it enacted*, That the capital of the corporation shall be five thousand dollars, with privilege of increasing the same to a sum not exceeding fifteen thousand dollars, which shall be divided into shares of fifty dollars each, which shall be considered personal property, and be transferable on the books of said corporation; and any person holding one or more shares of stock shall be a member of the corporation, and shall be entitled to attend all the meetings of the stockholders, and at any election or question at issue to cast one vote, in person or by proxy, for every share of stock by him or her owned, and standing in his or her name on the books of said corporation; and whenever fifteen hundred dollars of said stock shall be subscribed, the trustees may purchase a lot of ground, and proceed to erect new buildings on the same, or to modify those already erected thereon, if any there should be, as they may deem needful and proper; and that installments of the shares may be called in as the wants of the corporation may require, fifty per centum of said subscription to be paid at the time of subscribing.

First trustees.

4. *And be it enacted*, That this corporation shall be managed by a board of trustees, five in number, stockholders of said corporation, a majority of whom shall constitute a quorum; and that Michael M. Van Dyke, Thomas Cooper, James H. Joline, Zebulon W. Scriven and George W. Brown shall be the first trustees of said corporation until the third Thursday of December next, when an election of trustees shall take place.

Election of trustees, powers and duties.

5. *And be it enacted*, That the said trustees shall be elected annually thereafter, on the last day of the academic year, at a meeting of the stockholders, to be held at the institution, by a majority of the votes legally cast by the stockholders and representatives of stock; the trustees heretofore named and thus elected shall have power to make by-laws for their own government and that of the institution and its officers, which by-laws shall not be repugnant to the laws of this state or of the United States, to fill vacancies occurring in

their own bodies by means of death, removal, inability or refusal to serve of any person elected; and on the event or failure of the stockholders to hold an election on the day annually appointed therefor, said trustees shall continue in office until a new election shall be held, either at a special meeting of the stockholders upon ten days' notice as aforesaid, or at a subsequent annual meeting the said trustees shall, at their first annual meeting, and annually thereafter, elect a president, secretary and treasurer, and appoint such other officers and fix compensation for the same as they may from time to time deem necessary.

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

Approved March 13, 1866.

CHAPTER CXXXVIII.

Supplement to an act entitled "An act to incorporate the City of Bridgeton.

Commissioners to open streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of said city, upon petition of not less than fifteen freeholders of said city, shall appoint three persons to act as commissioners to lay out, open, widen, alter or vacate any street, road, lane or alley in said city; the said commissioners shall take and subscribe an oath or affirmation to act faithfully and impartially in the premises; they shall cause at least ten days' notice of their meeting, together with a general description of the improvement applied for, to be set up in three of the most public places in said city, and shall cause one insertion to be made in one of the newspapers published in said city, and at the time appointed view the premises and hear objections, if any shall be offered; after which, if the said commissioners, or any two of them, shall adjudge the improvement or alteration applied for proper and necessary, they shall establish it, and shall make an assessment of the damage, if any, the owner of any land or real estate, other than the applicant or applicants, will sustain by laying out or altering said street, over and above the advantage that

will in their judgment accrue to said owner, and also shall make return in writing, under their hands, together with a map and survey, containing a particular description of such improvement, and shall appoint a time for opening or closing the same, which return and map shall be deposited in the office of the recorder of said city, and open to the inspection of all parties interested; in case said return shall be confirmed by the mayor and common council; the same shall be so endorsed under the hand of the mayor and seal of the corporation, and shall be filed, together with said map, in the clerk's office of the county of Cumberland, and shall be recorded in the road book of said county by the clerk, who shall be entitled to the same fees as for recording the return of the laying out or vacating public highways; *provided however*, that no return shall be confirmed by the common council until at least ten days' public notice shall have been given by two insertions in one of the newspapers published in said city, of such return made to the mayor and common council, and to whom any person feeling aggrieved may appeal for relief; *and provided further*, that if any person or persons shall be dissatisfied with the assessment of damages made by the said commissioners, they may, within twenty days after the said return shall be filed in the clerk's office as aforesaid, file their notice of appeal therefrom in said office; after which the said appellants may apply to the next term of the courts of common pleas of said county, and in case the next term shall begin in less than twenty days after the commissioners' return was made they may apply to the next succeeding term, which court shall appoint three disinterested chosen freeholders of said county to review the assessment made by the said commissioners, and lessen, increase or confirm the same as to them, after taking into consideration the advantage and disadvantage that will accrue to said owner, shall seem fit and just, and the report of the said chosen freeholders, or a majority of them, made in writing under their hands, shall be filed in the office of the clerk of the said county and shall be final and conclusive to the parties interested.

Proviso.

Proviso.

Compensation

2. *And be it enacted*, That the said commissioners and the said chosen freeholders shall be entitled to have and receive two dollars each per day for their services aforesaid, which sum shall be paid to the commissioners by the applicants, and to the freeholders by the appellants.

3. *And be it enacted*, That the mayor and common council

may cause any street, road, lane or alley in said city, laid under this act, to be opened at the time named by the commissioners aforesaid for opening the same, and all buildings or other obstructions to be removed therefrom; and said street, road, lane or alley shall thereupon be a public highway; *provided*, that it shall not be lawful for the mayor and common council to open, widen, or alter any street, under this act, until the damages assessed as aforesaid shall have been paid or legally tendered by said city of Bridgeton. Proviso.

4. *And be it enacted*, That it shall be lawful for the mayor and common council of the said city, by ordinance, to limit, fix and define the width and grade of the streets and sidewalks of the said city, as now used, or hereafter laid out, and if any owner or owners of real estate in the said city shall neglect or refuse to comply with any ordinance of the city council, passed under the authority of this act, or of the tenth section of the act to which this is a supplement, for grading, paving, curbing, cleaning and repairing the streets and sidewalks of said city, for the space of thirty days after personal notice served upon such owner or owners, or left at his or their place of residence, if a resident of said city, it shall and may be lawful for the city council to cause the said work to be done, and pay for the same out of any money in the city treasury not otherwise appropriated, a particular statement whereof shall be filed in the office of the city recorder, and such cost shall remain a lien upon the said real estate until paid; and the city council may either sue and recover the amount so paid as aforesaid from the owner or owners of said real estate or their legal representatives, with interest and costs of suit, in any court having cognizance thereof, in an action on the case, in the name of the treasurer of the city of Bridgeton, for so much money by them paid out and expended to and for the use of such owner or owners, and the statement of the expenses filed with the recorder, with proof of the amount paid, shall be conclusive evidence, for the plaintiff; or the said city council may cause the said real estate, or such part thereof as they may think proper, to be advertised for sale for four weeks, in one or more of the newspapers of the city, and in handbills, to be put up in five of the most public places of said city, and proceed to sell at public outcry the said real estate for the shortest period of time any person or persons will purchase the same and pay the amount against it, together with the cost and expenses attending the sale thereof, and when so Width and grade of streets, &c., to be fixed by ordinance.

sold may execute, under the seal of the city, a deed for the same; *provided always*, in the case of non-residents it shall be the duty of the city council to first cause a notice, describing the property and the nature of the improvement required to be done, to be inserted in one or more newspapers of the city for two weeks, setting forth that unless the owner or owners appear and comply with the ordinance, the council will cause the same to be done at the expense of such owner or owners, the cost of which advertisement shall be borne by the said owner or owners.

Proviso.

Notice to be made.

5. *And be it enacted*, That it shall not be lawful for any [new] street or streets to be opened within the limits of the city of Bridgeton, except in the mode prescribed in this act, unless the applicant or applicants for said new street first secure the assent of the common council to opening the same, after ten days' notice has been given in three of the most public places of said city, and describing in said notices the location of the street or streets to be applied for.

Commissioners of taxation.

6. *And be it enacted*, That three commissioners of appeal in case of taxation shall hereafter be elected in the respective wards of said city of Bridgeton.

Powers and duties of Collectors.

7. *And be it enacted*, That the warrants hereafter issued for the collection of delinquent taxes in the several wards of the said city shall be directed and delivered to the collector of taxes in the said wards respectively, and the said collector or collectors shall, in the execution of said warrants, have the same power, perform the same duties, be subject to the same forfeitures, and receive the same compensations as is prescribed to the constables by the provisions of "The act entitled 'An act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six, and the several supplements thereto.

Commissioners of deeds.

8. *And be it enacted*, That each of the wards of the city of Bridgeton shall be allowed the same number of commissioners for taking the proofs and acknowledgment of deeds as the respective townships in the state are now entitled to;

Proviso.

provided, that the commissioners already in office in said city shall during the continuance of their respective terms be commissioners for the respective wards in which they reside.

Repealer.

9. *And be it enacted*, That all acts or parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

10. *And be it enacted*, That this act shall take effect immediately. [Approved March 13, 1866.

CHAPTER CXXXIX.

An act to authorize the election of Overseers of the Highways by districts, in the township of Morris, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the several road districts in the township of Morris, in the county of Morris, 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 township; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said township to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meeting in said township, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the township residing in such road district shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voter of the road district, shall proceed viva voce, by the holding up of hands or by count, to elect a moderator of such meeting by plurality of votes, and being so organized, the meeting shall proceed as in the election of the moderator to elect an overseer of the highway for such road district; the moderator of each district meeting shall notify the township committee at their first meeting after such election in writing, of the election of such overseer, and in case of the failure of any district to elect an overseer or of the person so elected to accept of the appointment, the township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highway 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 the first town meeting after the election of said overseers. Overseers how elected.

2. *And be it enacted*, That all subsequent district road meetings in said township shall be called by the overseers of the Time of holding town meetings.

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 subsequent district road meetings shall be held on Saturday preceding the annual town meeting in said township, and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept such appointment, or in case of a vacancy arising from 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.

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

Approved March 13, 1866.

CHAPTER CXL.

A supplement to an act entitled "An act for the government and regulation of the State Prison," 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 hereafter it shall be lawful for the keeper of the State Prison, with the consent of the acting inspectors, to contract with any person or persons for the labor of the prisoners, or any part of them for any period not exceeding four years; *provided*, that if such contract shall be for a period extending beyond the term of office of the keeper making such contract, the said contract shall require, to render it valid, the approval of the governor and treasurer of the state.

Proviso.

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

Approved March 13, 1866.

CHAPTER CXLI.

An act to incorporate the "Newark City Ice Company."

Preamble. WHEREAS, the "Newark City Ice Company," heretofore incorporated under and by virtue of the provisions of the act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, and certain of the supplements thereto, has been and is now in operation under such incorporation; and whereas, it is deemed desirable that said company should have the advantages of an act of incorporation; therefore,

Corporate name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Newark City Ice Company" be and the same is hereby declared to be a body politic and corporate by that name, by which name said company and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall be capable of proceeding, suing and being sued, pleading, answering and defending in all courts and places, and in all manner of actions and complaints whatever.

Amount of capital stock. 2. *And be it enacted*, That the capital stock of said company shall be and continue to be sixty thousand dollars, divided into shares of one hundred dollars each; and said company shall have the privilege of increasing the same, in shares as aforesaid, to an amount not exceeding two hundred thousand dollars; said increase and all transfers of stock are to be made at such times and in such manner as may be prescribed by the present or future by-laws of the company, which shares of stock shall be deemed personal property.

May purchase and hold lands. 3. *And be it enacted*, That for the purposes of carrying out the objects of said company (which are the collection, purchase, storage, transportation and sale of Ice), the said company shall be able and capable in law, to make, purchase, construct or lease such houses, buildings, wharves, vessels, implements and other property; also to purchase horses, mules, wagons, carts and other vehicles and all other articles, merchandize and wares useful and necessary for the successful collection, transportation and sale of Ice, and for

the carrying out the objects and business of the said company; and the said company shall also have the right to hold, purchase, lease or otherwise acquire all such land or lands and other property or properties in the states of New Jersey and New York and elsewhere as may be necessary for the purposes aforesaid; and shall also have the power to mortgage, sell, convey, lease or otherwise dispose of the lands, rights and other property now owned by them or which they may hereafter acquire, or any part thereof, as may be needful and necessary for the successful prosecution of the business of the said company.

Stock transferable.

4. *And be it enacted*, That any incorporated company shall have power to take and hold the capital stock of said company, and the same to sell and transfer, and when holding stock to be represented at the elections and stockholders' meetings of such company, by such person or persons as may be designated by such company holding stock; but an incorporated bank shall not hold stock of the company hereby incorporated, except as collateral, and in such case shall not be entitled to vote therein.

First directors.

5. *And be it enacted*, That the stock, property and business, of said company shall be managed and conducted by a board of six directors, and Andrew A. Smalley, John McGregor, John H. Meeker, Peter H. Ballantine, David Anderson and Hermann Schalk, the present board of directors of said company, shall continue to be the directors of said company until the next annual meeting of the stockholders of said company, and until other directors are elected in their stead; the board of directors of said company shall have power to fill any vacancy or vacancies in their body until the then next annual election, and the organization of the board then elected; and all directors hereafter elected shall hold office until others are elected and enter upon their duties; within one year after the passage of this act, and annually thereafter, the directors shall be elected from among the stockholders of said company by ballot, at such times and places, and under such regulations as the by-laws may prescribe; and if for any cause the election of directors shall not take place at the time fixed, it shall be lawful to elect the same at any other time, after two weeks' public notice thereof in a newspaper published in the city of Newark, in this state; and in all elections by the stockholders, each share of stock not held by an incorporated bank shall entitle the holder thereof to one vote, in person or by proxy.

6. *And be it enacted*, That the present officers of said company shall continue to hold their respective offices until others are elected or appointed in their stead. Officers.

7. *And be it enacted*, That the officers of said company shall be a president, a vice president, a secretary, a superintendent, and a treasurer, to be appointed by the board of directors, and such other officers to be appointed by the board of directors as in their judgment the interests of the company may require; but the president and vice president shall be stockholders and directors of the company, and the office of secretary and treasurer may be held by the same person.

8. *And be it enacted*, That the board of directors shall have power to enact all needful by-laws of the company, and the same to alter, amend and repeal; *provided*, that said by-laws shall not be inconsistent with the constitution and laws of this state or of the United States; to adopt and use a common seal, and the same to change, alter or renew at pleasure; the common seal now used by said company to be and continue to be the common seal thereof until changed by the board of directors; and it shall be lawful for the board of directors to forfeit for the use of the company any shares of stock and payments thereon made of any stockholder or stockholders who shall make default in the payment of any installment at the time the same is payable, notice having been given for two weeks in a public newspaper published in the city of Newark, in this state, of the time and place for the payment thereof, and the directors are authorized to call for the payment of the amount unpaid on any of the stock, in such installments as they may direct, and to collect the same by legal proceedings against the stockholders, if they shall see fit so to do, instead of forfeiting the stock. Proviso.

9. *And be it enacted*, That the directors shall have an office of the company in the said city of Newark, and it shall be lawful for them to have offices out of this state, and for the business of the company to be transacted therein, but the annual election of directors shall be held in said city of Newark. Annual election where held.

10. *And be it enacted*, That nothing in this act contained shall be held or deemed in anywise to invalidate or injuriously affect any contract heretofore made by or with said company, or any certificate of stock heretofore by them issued, but said contracts and certificates shall be deemed and Former contracts not to be invalidated.

held to have been made and issued by or with the company whose incorporation is hereby declared.

11. *And be it enacted*, That this act shall take effect immediately, and shall be deemed a public act, but the same shall be liable to the tax provided by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight.

Approved March 13, 1866.

CHAPTER CXLII.

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

Hunterdon.

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 term of the courts in and for the county of Hunterdon, shall commence on the second Tuesday in April and the first Tuesday in September and December in each and every year.

Warren.

2. *And be it enacted*, That the regular terms of the courts in and for the county of Warren shall commence on the fourth Tuesday in April, third Tuesday in September, and fourth Tuesday in December, in each and every year.

Mercer.

3. *And be it enacted*, That the regular terms of the courts in and for the county of Mercer, shall commence on the second Tuesday in January and May, and first Tuesday in October in each and every year.

Writs, &c., return of

4. *And be it enacted*, That all writs, process, recognizances and other proceedings returnable, made or given for the first day of any term of any court to be held in any of said counties, next after the passage of this act, shall be deemed, considered and taken, as made returnable, made and given for the first day of the terms herein stated, fixed and appointed, occurring next after the passage of this act.

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

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

Approved March 13, 1866.

CHAPTER CXLIII.

An act to authorize the city council of the city of Camden, to raise by loan, a sum not exceeding twenty thousand dollars, for the purpose of erecting and furnishing a new school house in the Middle Ward of said city of Camden.

City council to issue bonds.

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 a sum not exceeding twenty 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 and furnishing a school house in the middle ward of the said city of Camden.

Bonds how paid.

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 twenty years.

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

Approved March 13, 1866.

CHAPTER CXLIV.

An act to incorporate "The Young Men's Catholic Association of the City of Newark."

Preamble.

WHEREAS, there now exists, and for many years past has existed, in the city of Newark, in this state, an association

known as "The Young Men's Catholic Association," the object whereof is to forward the moral, intellectual and physical advancement of its members and to disseminate useful knowledge; and whereas, the said association is desirous of an act of incorporation in order that its purposes may be more effectually subserved; therefore,

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons who are now members of said association, and every other person or persons who may become their associates and their successors and assigns, members of said association, be and they are hereby incorporated by the name of "The Young Men's Catholic Association of the city of Newark," and by that name shall be a body corporate and politic in law, and shall be forever hereafter capable of holding, receiving by donation or otherwise, purchasing, leasing and conveying personal and real estate; *provided*, that the yearly income of such real and personal estate shall not at any time exceed the sum of ten thousand dollars.

Proviso.

Election of directors.

2. *And be it enacted*, That the affairs of said corporation shall be managed and conducted by a board of eight directors, a majority of whom shall form a quorum for the transaction of business, of which board the bishop, for the time being, of the Roman Catholic diocese of Newark, and the pastor for the time being of St. Patrick's cathedral in Newark, shall be ex-officio members, the former to be ex-officio president of said board and the latter ex-officio vice-president thereof; and on the first Tuesday in September in this present year, and annually thereafter, an election shall be held at the annual meeting of the association for six directors for the ensuing year, the present directors of said association to be the directors thereof until the next annual meeting of said association and until others are chosen in their stead, and that each member present at such election shall have one vote, and those persons having a majority of all the votes cast shall be deemed elected, but no member shall be allowed to vote whose dues to the association are not fully paid; in case an election shall not be made on the day appointed by this act the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election afterwards on two weeks' notice in a public newspaper printed and published in said city of Newark, and the said elective directors at any time in office shall hold their offices until others are elected in their stead; and in case of

the death, resignation or removal of any of them, the vacancy occasioned thereby may be filled for the remainder of the term by a vote of the majority of the board of directors.

3. *And be it enacted*, That the officers of said association other than the president and vice-president shall be chosen and appointed by the board of directors. Officees, how chosen.

4. *And be it enacted*, That the said association shall continue to all intents and purposes, notwithstanding this incorporation thereof, the cestui que trusts of the real estate in the city of Newark, now held in trust for and used by said association for its purposes, and said property shall, when fully paid for vest as in and by the constitution of said association is now provided. Of property held in trust.

5. *And be it enacted*, That no state, county, city or other public tax, charge or assessment whatever shall in anywise be laid, levied, imposed or assessed on any of the property of said association in said city of Newark, whether real or personal, which they now own or which may be acquired by them for their purposes or upon said real estate or the furniture or fixtures thereof so long as the same shall be used for the purposes of said association, and said association shall continue to use and appropriate all of its income to promote said purposes. Tax not to be levied.

6. *And be it enacted*, That this corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, as far as the same are applicable. Powers and restrictions.

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

Approved March 13, 1866.

CHAPTER CXLV.

An act to incorporate the Princeton Charitable Institution for educational and other benevolent purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles S. Olden, Charles Hodge, Names of corporators.

John Maclean, Stephen Alexander, John S. Schenck, Lyman H. Atwater and John T. Duffield, their associates and successors, shall be and they are hereby constituted and made a body politic and corporate, in fact and in law, by the name of "The Trustees of the Princeton Charitable Institution," and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, and may take and receive by gift, grant, devise, bequest, or purchase, and have, hold, use, enjoy, and dispose of for the uses and purposes of said corporation, and real and personal estate of what nature or kind soever, and shall have all other rights, powers, and privileges belonging to similar corporations by the laws of this state.

For benevolent purposes.

2. *And be it enacted*, That the said corporation is hereby declared to be a charitable institution, to aid and assist indigent youths in obtaining a liberal and christian education, without regard or reference to their future profession, occupation or employment, and for other like benevolent purposes.

Powers of trustees.

3. *And be it enacted*, That the entire management of the funds and affairs of the said corporation and the corporate powers hereby granted, shall be and hereby are vested in a board of trustees of not less than seven nor more than fifteen in number, a majority of whom shall always be citizens and residents of this state; the persons named in the first section of this act shall be the first trustees, and a majority of the board, of whatever number composed, shall constitute a quorum for the transaction of business.

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 make and enact by-laws for the regulation and management of the said corporation and its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States, to fill all vacancies that occur in the board of trustees and to increase said board to any number not exceeding fifteen, to appoint such officers and agents as they may deem proper, and to prescribe their duties and powers, and special meetings of said trustees may be called by the president or any four or more of said trustees upon six days' notice in writing of the time and place thereof being given or sent to each trustee.

Proviso

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

Approved March 13, 1866.

CHAPTER CXLVI.

A supplement to "An act to incorporate the New Jersey Building Company," approved March eleventh, eighteen hundred and sixty-four.

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 increase the amount of their capital stock from time to time to a sum not exceeding five hundred thousand dollars. To increase capital.

2. *And be it enacted*, That the said company may purchase or lease lands in this state and build thereon dwelling houses and other edifices, and sell or lease or exchange the same and may make all contracts required in that behalf, and may take and hold and dispose of the securities or other property, real and personal taken in payment or in exchange therefor as herein provided, at their pleasure. To hold real estate.

3. *And be it enacted*, That the said company may issue stock in payment for real and personal property required by them in the prosecution of their business and purchased by them for that purpose and that when stock to the amount of twenty thousand dollars has been issued it shall be lawful for the said company to commence the business authorized by said act and this supplement. Company may issue stock.

4. *And be it enacted*, That the persons named in the first section of the act to which this is a supplement shall be the first directors of the said company and shall hold their office until the second Monday in June next and until their successors are chosen, and that all directors chosen by the stockholders of said company shall hold their offices until their successors shall be legally chosen, and that in case of the death, resignation or inability of any of the persons named in said first section, or in case of the neglect of any of them to act after notice duly served on them fixing a time and place of meeting, the remainder of said directors may appoint other persons to act as directors in place of those so dying, resigning or neglecting to act, who shall hold their offices until the next regular election and until others are legally chosen. Election of directors.

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

Approved March 13, 1866.

CHAPTER CXLVII.

An act to revise and amend the Charter of Atlantic City.

TITLE FIRST.

BOUNDARIES AMD CIVIL DIVISIONS OF THE CITY.

Boundaries. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the part of Absecom Beach, lying and being in Atlantic county in the state of New Jersey, being in the Atlantic Ocean as far as the jurisdiction of said state extends, at a point on a line with the south side of California street; thence easterly along the boundary line of the state to a line at right angles with the east side at high water of Absecom Inlet; thence westerly along the east side of said inlet to a point opposite and at right angles with the west bank of Clam creek; thence southerly along the west bank of said creek to its first prominent fork; and thence on a line parallel with Atlantic street to the intersection of the aforesaid line on the south side of California street; thence along said line to the place of beginning, and all the freemen, citizens of this state residing within the limits aforesaid, be and they are hereby ordained and constituted and declared to be from time to time, and forever hereafter, one body corporate and politic in fact and in name, by the name of Atlantic City.

TITLE SECOND.

ELECTION, APPOINTMENT AND REMOVAL OF CITY AND WARD OFFICERS.

2. *And be it enacted*, That there be and forever hereafter shall be in and for the said city, one mayor, one recorder, who beside his duties as recorder, shall in case of death, absence or disability of the mayor have, hold, use and execute the several duties annexed to the mayoralty and every of them,

during such absence or disability, one alderman, six councilmen, one city clerk, one treasurer, one marshal, one assessor, one collector, two chosen freeholders, three commissioners of appeal, two constables, one overseer of the poor, three trustees of common schools.

3. *And be it enacted*, That the mayor, alderman and councilmen of said city shall constitute the city council of Atlantic City, and shall hold an annual meeting in said city on the third Tuesday following the general election for state and county officers, yearly and every year, and such adjourned and special meetings as they shall see proper, or shall by ordinance direct and appoint, and shall meet at such place and at such times as they themselves shall agree upon or shall by ordinance fix and appoint; the mayor shall preside at the meetings of the city council, and shall have a casting vote only in cases where there shall be a tie, and if the mayor be absent at any meeting, then the recorder shall preside pro tempore, and when met shall have power to make and adopt such rules, regulations and by-laws for their own government and despatch of business as they shall think proper, and pass all such ordinances, by-laws, regulations and rules as are hereafter provided, and make all such appointments, and in general do and perform all such other acts and things as are provided for and warranted by this act; *provided*, that no by-law or ordinance shall be passed, amended, revoked or appealed without the concurrence of at least five votes, which number shall constitute a quorum of the said council. City council. Proviso.

4. *And be it enacted*, That an election by ballot shall be held annually, at such time, place and manner as the election of members of the senate and general assembly may be held in said city, of which election the said city council shall cause public notice, either printed or written, to be set up in five public places in said city, at least one week previous to the day of such election, at which election one mayor, one recorder, one alderman, six councilmen, one treasurer, one marshal, one assessor, one collector, two chosen freeholders, three judicious freeholders of good character to hear and finally determine all appeals relative to unjust assessment in case of taxation in said city, two constables, one overseer of the poor, one judge of election, three trustees, one of them elected to serve for one year, another elected to serve for two years, and the third elected to serve for three years, and one trustee shall be elected every year after the Annual election.

first election held under this act to fill the place left vacant as above provided, and one superintendent of common schools shall be annually chosen in said city from among the citizens residing therein and entitled to vote at such elections, which said several officers shall hold their respective offices for one year, except in the case of the trustees of common schools, and until others shall be chosen and legally qualified in their stead; the officers of said election shall be the same as those holding and conducting the general election, and the said election in all things shall be conducted, continued and concluded as nearly as may be according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the election of members of the senate and general assembly, and after the polls shall be closed, the said judges shall count the votes given for the several candidates and make out and certify under their hands, two certificates of the result, with the number of votes given for every person who shall be voted for, one of which certificates shall be filed and preserved by the clerk of the election, and the other enclosed, sealed and directed to the city council of Atlantic City, and within three days thereafter be delivered, sealed as aforesaid, to the city clerk, who shall lay the same before the city council at their first annual meeting; and the city council at their first annual meeting as aforesaid, when assembled in a public manner, shall proceed to open the same and count the number of votes given for the respective candidates, and shall ascertain and declare who shall be elected by the greatest number of votes to the abovementioned several offices, and the number of votes each candidate received shall be entered upon the minutes of the said city council, and a certificate thereof shall be made and filed in the office of the city clerk; *provided*, that the first election held under and by virtue of this act shall be held at the house of Ryan Adams, and the certificate of the result of said election shall be enclosed, sealed, directed and forwarded to the clerk of the county of Atlantic, who shall on the seventh day thereafter open the same in a public manner, count the number of votes given for the respective candidates, ascertain and declare in writing who shall be elected as aforesaid, and file the same in his office.

Proviso.

Vacancies how filled.

5. *And be it enacted*, That in case a vacancy shall occur either by a refusal to serve, death, removal, resignation or for any other cause whatever in any of the offices mentioned

in the preceding section of this act, it shall and may be lawful for the city council to appoint others to fill such vacancies for the unexpired terms, and the person or persons so appointed to fill such vacancy or vacancies shall, during the said term, perform the like services and be entitled to the same compensation and subject to the like responsibilities and penalties as if elected at the annual election as aforesaid, and if any of the officers elected at the said annual elections, or who shall be appointed to fill any vacancy under this act, shall not qualify according to law within thirty days after any such election shall be held, or appointment made by the city council, the office to which he or they were elected or appointed shall be deemed vacant, and said vacancy be filled as aforesaid.

TITLE THIRD.

POWERS AND DUTIES OF CITY COUNCILS.

Powers and duties of city council.

6. *And be it enacted*, That the city council shall appoint some fit person at their annual meeting to be clerk of said city, who shall hold his office for the term of one year and until his successor shall be appointed, and the said city clerk so appointed shall be ex-officio clerk of the city council, and the said city council shall have power when assembled from time to time to elect and appoint such other and all other subordinate officers of said city, as well as such as are in the act named, and whose appointment or election are not provided for as those who are not named herein, and who may in the opinion of the city council be necessary for ordering and governing of the said city, for the preservation of its health or convenience and safety, and advantage of commerce and trade, and said city council may prescribe their duties under such regulations, conditions and restrictions as they shall think proper; *provided*, nothing herein contained shall be construed to prevent the city council from conferring the power on the mayor of the city to appoint the police officers and watchmen of the city; *and provided also*, that the city council shall not appoint any person to fill any office provided for in this act, the compensation for which is paid out of the treasury of the city from among themselves.

Proviso.

Proviso.

Ordinances.

7. *And be it enacted*, That it shall and may be lawful for the city council or a majority of them, in city council assembled to pass such ordinances as they shall judge proper for regulating, cleaning and keeping in repair the streets,

highways (and) alleys of said city; for preventing the encumbering or obstructing the highways, streets, alleys and sidewalks in said city, and preventing and removing all encroachments in or upon the same, and for preventing persons from riding, driving or passing over or upon the sidewalks with beasts, wagons, carts, barrows or carriages of any description; for the preventing the immoderate riding or driving through or in any street, highway or alley of said city, for preventing or regulating the running at large of cattle, horses, dogs, swine, sheep, goats or geese, or imposing a reasonable tax on the owners or possessors of dogs; for abating or removing of any nuisances in any street, alley or any lot or lots, or enclosure or other place or places in the city, and for causing common sewers or drains to be made, and granting permission to construct and regulate the construction of vaults in any part thereof, for grading, paving, flagging, curbing, graveling or macadamizing the highway, streets and alleys of said city, and the sidewalks thereof, or any of them, and for protecting shade or ornamental trees in said city, for protecting public and private property, or property belonging to the corporation, for providing for a supply of water for said city, and for lighting the same; for preventing and restraining riots, routs, disturbances or disorderly assemblages, noisy, disorderly or indecent conduct, and drunkenness in any street, house or place in said city, and for regulating, protecting, improving the public grounds in said city, preserving the aqueducts in said city, and sinking and regulating wells, pumps and cisterns in the streets thereof, for regulating the use of lights in stables, for the prevention or suppression of fires, and to appoint and remove fire wardens, and by ordinance to prescribe the powers and duties of such fire wardens, and of the fire engineers and firemen, to pass ordinances for protecting goods from being purloined at fires, for compelling the cleaning of chimneys, and licensing chimney sweeps, for appointing watchmen and police officers, and prescribing their powers and duties, for regulating petty grocers, keepers of ordinaries, victualing houses, and the vending of meats and vegetables, for establishing and regulating public pounds, for regulating hawkers, pedlars, petty chapmen and showmen within the said city, for restraining vagrants, mendicants and street beggars, for regulating cartmen and cartage, for regulating the speed of locomotives and railroad cars within the limits of said city, for erecting, maintaining, and regulating one or

more public markets in said city, and a city hall or town house, city prison or jail, together with such other public buildings, as may be necessary for said city, and the said city council may and shall from time to time pass ordinances for the more effectual suppressson of vice and immorality, for preserving peace and good order, for the prevention of forestalling and regulating, suppressing and restricting disorderly and gambling houses and groggeries and such other by-laws, and ordinances not repugnant to the laws of the state or the United States, as they may consider calculated to promote the welfare, good order, government and prosperity of the said city and the inhabitants thereof, and to enforce the observance of all such laws or ordinances by enacting penalties for the violation thereof by a fine or imprisonment, or both, the fine in no case to exceed two hundred dollars, or the imprisonment thirty days, a copy of which laws and ordinances shall be set up in five public places in said city for the space of three weeks.

City tax to be raised.

8. *And be it enacted*, That it shall be lawful for the city council of said city, by ordinance, 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 for defraying the expenses of lighting the streets of said city, supporting a night watch therein, supplying the said city with water, for supporting the fire engine department, maintaining and supporting the poor, purchasing a lot or lots in said city for the purpose of erecting market houses, city hall, jail and such other public buildings as may be necessary and convenient for the said city; and it shall be lawful for the city council to borrow money, from time to time, in the corporate name of the city, for all purposes for which they are by this act authorized 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 city and signature of the mayor, 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 the city council; and there shall not be a greater sum than five thousand dollars raised by loan in any one year, and that the said city shall not owe over twenty thousand dollars at any one time.

Proviso.

Compensation of officers.

9. *And be it enacted*, That it shall be lawful for the city council of said city to pay unto the mayor of the city for his services as mayor any sum not exceeding five hundred dollars per year, and to the treasurer, clerk and all the other

officers and agents of the said city such compensation for their services as the city council shall deem reasonable and proper.

Licenses to grant.

10. *And be it enacted*, That the city council of Atlantic City when assembled, by a majority of votes shall have the sole and exclusive right and power of licensing and assessing every inn keeper and tavern keeper residing within said city, for such time or term as they may deem expedient, otherwise subject to the same restrictions and provisions, and in like manner in every particular as the same is or may be lawfully done by the inferior court of common pleas in this state and the said city council shall have the sole and exclusive power of licensing all interludes, farces or plays of any kind, and all menageries or collections of beasts or animals, and all circuses or other shows and exhibitions whatsoever proposed to be performed or exhibited within the limits of said city, which said power of licensing, the said common council may by ordinance delegate the mayor or alderman of said city, and any such license may be granted on such terms and under and subject to such limitations and restrictions as the said common council may by ordinance prescribe, and all moneys which may be derived from granting any such license shall go to and for the use of said city, and if any person or persons shall exhibit or be concerned in exhibiting, or cause to be exhibited within the city any manner or thing hereinbefore specified, without first having obtained such license as aforesaid, he, she or they shall be proceeded against under and by virtue of the statute of this state, entitled "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six, and under and by virtue of "An act entitled 'An act regulating the exhibition of beasts or animals,'" approved April fifteenth, eighteen hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice or justices of the peace or not.

TITLE FOURTH.

POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCEMENT OF THE ORDINANCES.

Powers and duties of city officers.

11. *And be it enacted*, That the assessor, collector and commissioners of appeal in all cases of taxation, the constables,

the overseer of the poor and the chosen freeholders elected in the said city as aforesaid, 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 Atlantic county, to the same extent and in the same manner in all respects as if the said city was constituted a separate township of Atlantic county, as far as such powers and duties shall be consistent with the provisions of this act; and that the members of the city 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 this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

12. *And be it enacted*, That all the officers appointed under the authority of this act, shall, before they severally take upon themselves the execution of their respective offices, take and subscribe an oath or affirmation before the mayor, recorder or alderman of said city, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them according to the best of their abilities and understanding, which said oath or affirmation when so taken and subscribed shall be filed and preserved by the clerk of said city in his office.

13. *And be it enacted*, That the treasurer of the city, the mayor, recorder, alderman, collector, constable and city clerk, elected, or appointed as aforesaid before they enter upon the execution or duties of their respective offices, or to be qualified to serve, shall repair to the city council, and shall severally execute their respective bonds to Atlantic City, in such sums, and with such freeholders as security as the city council shall prescribe, direct and approve, conditioned for the true and faithful performance of all the duties of their offices respectively; the bonds of the constables shall be made to conform to the form prescribed by the first section of an act entitled "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables of the townships of this state, as near as may be, making such alterations as may be necessary to make it conform to Atlantic City, which said bonds after the same shall be approved by the city council shall be delivered to the clerk of the city, who is required and directed hereby to record and file the same in his office, and may be sued and

prosecuted in the same manner as the bonds of the like officers of this state are or may be sued and prosecuted.

Arrests.

14. *And be it enacted*, That the marshal, police officers and constables of said city are hereby empowered to arrest and take into custody without a warrant, any offender against the laws and ordinances of said city, or any person or persons disturbing the peace and quiet of said city, and to carry such offenders immediately before the mayor, recorder or alderman of said city, who are hereby authorized and empowered to hold courts and take cognizance of such offences, which said courts so held shall be courts of record, or in case such arrests shall be made during the night or on the Sabbath day, or when the mayor, recorder or alderman, or either of them cannot hear the same or hold such courts, to confine such offender or offenders in jail or in some other safe and convenient place in said city until the day following, or until such time as the same can be heard, and then without unnecessary delay carry such offender or offenders before the mayor, recorder or alderman as aforesaid; or the mayor, recorder or alderman of the said city, may arrest and apprehend any such offenders for offences committed in their presence, or upon complaint made in writing under oath or affirmation, may issue a warrant directed to the marshal or one of the constables, or one of the police officers of said city, or any or either of them commanding such officer to take such offender or offenders and bring him, her or them before such persons issuing said warrant, and when such offender or offenders shall be so arrested or brought before any such mayor, recorder or alderman, as the case may be, to proceed in a summary manner to hear and determine the same and punish the offender or offenders, and if he, she or they, as the case may be, shall be sentenced to be imprisoned, then the said magistrates shall make out a warrant commanding the officers aforesaid, or any one of them, to convey such offender or offenders, as the case may be, either to the city jail or the jail of Atlantic county, specifying in said warrant which one of said jails, there to remain until the term of his, her or their imprisonment shall have expired and the costs of conviction be paid, and in case the said offender or offenders shall be sentenced to pay a fine, then for the said mayor, recorder or alderman, as the case may be either to order the offender or offenders to be committed to one of the jails as aforesaid until the fine and costs be paid, or to issue a warrant directed to the marshal or one of the

constables, or one of the police officers of the said city, or to any or either of them, commanding said officer to levy and make such fine and costs of the goods and chattels of such offender or offenders, as the case may be, and for want of sufficient goods and chattels to take and convey such offender or offenders to one of the jails aforesaid, specifying to which one, there to remain until such fine or costs be paid or satisfied, which said fine when paid or collected shall be paid over unto the treasurer of the city for the use of the said city, unless otherwise directed by the city council; *provided, always,* that any such offender or offenders convicted as aforesaid may appeal to the city council upon such terms and conditions as the city council may by ordinance prescribe and impose, but such appeal shall be made in twenty days from such conviction. Proviso.

15. *And be it enacted,* That it shall be the duty of the city treasurer, once in each year to make out a statement of all moneys received and paid out during the year, showing the source from whence received, and to what applied, the amount of indebtedness of the city, and the balance of funds, if any, in his hands, which statement shall be filed in the office of the clerk of the city at least twenty days before the next annual election for city officers, and the city council shall cause copies of the same to be set up in five public places in the said city, at least two weeks previous to such election. Treasurer to make yearly statement.

16. *And be it enacted,* That the mayor, recorder and alderman of the said city, and each of them, shall have the same jurisdiction in all matters of a criminal nature, and in all matters of a civil nature, that the justices of the peace, or any of them, now have by the laws of New Jersey, such jurisdiction to be exercised only within the bounds of Atlantic City, and further shall have power to try and determine all cases of assault and battery, petty larceny and similar cases occurring within the limits of said city.

TITLE FIFTH.

ASSESSMENT AND COLLECTION OF TAXES.

17. *And be it enacted,* That the assessor of the said city shall assess upon the persons and property within the said city, and the collector of the said city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required Assessment and collection of taxes.

to be assessed and collected for the use of the said city, and for the support of the schools of the city, in the same manner and within the same time as the assessors and collectors of the townships of Atlantic county are or may be required to assess and collect the state and county tax in their respective townships, and the commissioners of appeal in cases of taxation shall meet in such place in said city as the city council shall appoint; and in case the city council shall neglect to appoint a place, then they shall meet at the place where the last annual election was held, and on the same day, and upon the like notice given, as now is or hereafter shall be by law prescribed for the meeting of the like officers of any township of this state, and when so met shall have full power and authority to hear and determine all complaints of unjust taxation in said city, whether the same be assessed for the use of the state, county, city or schools, in the same manner as the like officers of the townships of this state are authorized and required to do.

Duty of assessor.

18. *And be it enacted*, That from and after the passage of this act it shall be the duty of the assessor of Atlantic City, in assessing and raising the state, county, city and school tax, which may be from time to time ordered to be raised in the said city, to estimate and rate all the lands, tenements and real estate lying and being in said city according to its value at the time of making the assessment; when the land is laid out in lots, valuing and rating it at so much per lot, but when the land has not been run out in lots, valuing and rating by the price per acre as it then lies, and for the purpose of ascertaining what may be the live and real value of the different lots, tracts and pieces of land and tenements lying and being in the said city as aforesaid, the city council may appoint, from time to time and as often as they shall think proper, one or more fit and judicious persons residing in the said city and acquainted with the value of real estate therein to accompany the assessor, to assist him to value and estimate the real estate as aforesaid, which said person or persons so as aforesaid appointed, before he or they proceed to execute the duties of his or their appointment, shall repair either to the mayor, recorder or alderman of said city, who are hereby fully empowered to administer an oath or affirmation, and take and subscribe the same truly, fairly and impartially, and according to the best of his or their judgment and belief, to value and estimate the same.

19. *And be it enacted*, That it shall be the duty of the as-

sessor and collector of said 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 by virtue 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 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 term for which any person or persons will agree to take the same and pay such tax or assessments, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, including justices' and constables' fees, costs of advertising, selling, and executing the deeds, and to make and execute under the seal of the city a declaration of such sale, and deliver the same to the purchaser or purchasers, 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 or ended, and shall be at liberty at or before the end of his, her, or their term to remove the building and material erected and placed by him, her, or them thereon, taking care to leave the same in as good order and condition as the premises were when they came into his, her, or their possession.

Return of assessment to be made.

20. *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 advertisements to be put (up) in at least five public places in said city for the space of three weeks, which advertisements shall

Sale of land for taxes.

mention the street or streets on which said property is situate, the amount of tax due, and the owner or reputed owners' 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 interest at the rate of six per centum per annum to be computed from the day of sale, and all the expenses and charges necessarily incurred thereon by the purchaser or purchasers 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 tax or assessment with the interest and costs 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 and in all respects, as if the same were included in, and intended to be secured by the said mortgagee; 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 real estate as aforesaid.

Rate of interest.

21. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid and be returned by collector for want of payment, the same shall bear an interest at the rate of twelve per centum per annum from the day on which the same shall be so returned until paid; and it shall be the duty of the constable or person authorized to collect and receive such tax to charge, receive and collect in addition to the amount of tax the interest thereon as aforesaid; and such interest shall be paid over and accounted for by the officer or person receiving the same to the said city as part of the tax collected by him.

TITLE SIXTH.

ELECTION OF STATE AND COUNTY OFFICERS.

Election of state and county officers.

22. *And be it enacted*, That all elections hereafter to be held in said city for state and county officers, members of the house of representatives of the United States and the electors of the president and vice president of the United States, shall be held in the said city at the place therein ap-

pointed by the city council for holding elections on the day which is now or may be hereafter designated for holding such elections, the polls to be opened and closed at the hours prescribed by the laws of this state; and in all things be conducted according to the laws which now are or hereafter may be in force regulating and prescribing the mode of holding and conducting such elections.

Notice to be given.

23. *And be it enacted*, That the same notice in matters of election that the clerk of Atlantic county is required to give to the clerk of the township shall be given to the clerk of election of said city.

County jail or to keep offenders.

24. *And be it enacted*, That the jailor of Atlantic county shall receive and safely keep all such offenders as shall be committed to the jail of Atlantic county by the mayor, recorder or alderman of said city as aforesaid, for the time of his, her or their imprisonment, and all the expenses of keeping said offenders in said jail shall be borne and paid by said city.

TITLE SEVENTH.

OF STREETS, HIGHWAYS, SIDEWALKS, AND ASSESSMENTS THEREFOR.

Of streets &c and assessments therefor.

25. *And be it enacted*, That the city council shall have exclusive control over all highways, roads, streets and alleys of said city, and shall have power to compel the owners of real estate in the city, or in such parts thereof as they by ordinance shall direct, to grade, pave, gravel, flag and curb the streets and sidewalks thereof along and opposite to such owner or owners' property; and whenever a majority in value of the land holders along any said street or alley, or any part of such street or alley, shall desire the same or any part thereof to be paved, graveled or otherwise permanently improved, the city council on the petition of the said owners may order and direct the same to be done, and may appoint one or more discreet and skillful persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations concerning the same by enacting fines and penalties for not complying therewith.

Penalty.

26. *And be it enacted*, That in case any owner or owners of real estate in said city as aforesaid shall refuse and neglect to comply with the ordinances in the last section above mentioned, and not grade, pave, gravel, flag or curb the streets, alleys or sidewalks thereof, or grade the same as may

be by said ordinances directed and in the manner prescribed, for the space of sixty days from the time when the same is required to be done, it shall be lawful for the city council to cause the same to be done and paid for out of any moneys in the hands of the treasurer of the city, and when so done they shall cause a particular statement and account of the costs and expenses of doing said work, to be filed with the clerk of the city, and the costs or expenses of performing the said work until paid and satisfied, and the said city council may at their option sue for and recover the amount paid as aforesaid from the owner or owners of such real estate, or his or their legal representatives with interest and costs of suit in any court of this state having cognizance thereof in an action in the case, in the name of "The treasurer of Atlantic City," without specifying the individual name of the treasurer for the time being, for so much money by them paid, laid out and expended to and for the use of such owner or owners, or his or their legal representatives, and in every such action the said statement or account filed as aforesaid with proof of the amount paid, shall be conclusive evidence for the plaintiff, or cause the real estate or such part thereof as they think proper to be advertised and sold for the shortest period of time that any person or persons will purchase the same, and pay the said amount with interest, and all costs and expenses of publishing notice, advertising, selling and making a deed, and when sold to execute under the seal of the city a declaration of such sale to the purchaser or purchasers as aforesaid, in the same manner and under the same regulations and restrictions and with the like effect in all particulars, and with the same privileges to the owner or owners, the mortgagee or mortgagees to redeem as is enacted and provided for selling land and real estate for the payment of taxes due thereon; *provided*, if any owner or owners of lots or real estate shall not reside in the city at the time when this work is required to be done, then it shall be the duty of the city council before they shall proceed to do, or have the same done, to cause a written notice to be sent to such owner or owners or reputed owners thereof, setting forth the street whereon the property is situate, and that unless the owner or owners shall comply with said ordinance and perform the said work within sixteen days from the date of said notice, the city council will cause the same to be done at his, her or their expense as the case shall be; *provided always*, that nothing in this section contained

Proviso.

Proviso.

shall be construed to affect any fines or penalties enacted for violating any such ordinance in the last section above provided.

27. *And be it enacted*, That if the tenant of any house or lot, or real estate whatever within the said city shall cause the street, alley or sidewalk thereon in front of such property to be graded, paved, flagged, curbed or graveled in obedience to such ordinance or regulation at his or her individual expense, or shall pay the amount thereof with the interest and costs that shall have accrued thereon, to the treasurer of said city, when the city council shall have performed the work as aforesaid, it shall and may be lawful for him or her to deduct the same out of the rent, or to sue for and recover the same out of the landlord or owner, or his or her 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 or her laid out and expended to and for his, her or their use as the case is; *provided*, that nothing in this section shall affect any contract or agreement made or to be made between landlord and tenant respecting such charges or expenses. Proviso.

28. *And be it enacted*, That the said commissioners before they enter upon the execution of the duty required of them shall be sworn or affirmed before the mayor, recorder or alderman of said city, to make the estimate and assessment submitted to them fairly and impartially according to the best of their skill and judgment.

TITLE EIGHTH.

MISCELLANEOUS.

29. *And be it enacted*, That the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by the city council of all the ordinances and by-laws recorded therein; and further that the publication by authority of the city council of their ordinances and by-laws in a volume or pamphlet form, shall in like manner be taken and received as evidence of the due passage thereof, and that the publication of the said ordinances and by-laws, in at least five public places in said city, according to law, shall in all cases be presumed to have been made until the contrary shall be made to appear. Ordinances to be published.

Of witnesses. 30. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact to which issue Atlantic City shall be a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder or freeman of said city.

Moneys to be paid to treasurer of trustees of common schools. 31. *And be it enacted*, That said city council may direct to be raised by taxation for school purposes any sum not to exceed ten dollars per head, for every child in said city between the age of five years and twenty-one; and that the said city shall be entitled to its just proportion of the annual appropriation of the school fund of this state, and to its just proportion and quota of the interest on the surplus revenue apportioned to and received or to be received by the state of New Jersey, to be ascertained in the same manner as the proportion or quotas of the townships of the state now are or hereafter shall be ascertained, which said moneys shall be paid immediately over to the treasurer of the trustees of common schools for the time being and be applied to school purposes in said city.

Repealer. 32. *And be it enacted*, That all sections, parts of sections and supplements to Atlantic City charter conflicting herewith are hereby repealed.

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

Approved March 13, 1866.

CHAPTER CXLVIII.

An act to facilitate Judicial Proceedings in the County of Morris.

Clerk. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president judge of the court of oyer and terminer and general jail delivery of the county of Morris shall nominate and appoint under his hand and the seal of said court an officer to be called the clerk of the grand juries, who shall hold his office for the period of one year, unless sooner removed by said judge, which he is empowered to do at his pleasure.

2. *And be it enacted*, That such clerk of the grand juries

shall at each term of the courts of said county, and before entering upon the duties of his office, be duly sworn in open court, well and faithfully to execute the duties of his said office; and further, that he will keep secret the counsel of the state, the grand jury and his own as such clerk thereof. Duties of clerk.

3. *And be it enacted*, That the duties of said clerk of the grand juries shall be as follows: to obtain and receive from the justices of the peace and the coroners of said county, on behalf of such grand jury, at least six days before the sessions thereof, all complaints, informations, examinations, inquisitions, and recognizances before them had and taken from time to time and still remaining, to arrange such complaints, informations and inquisitions, so as to expedite the examination thereof by the grand jury, separating such of them as shall relate to persons then confined in the county jail from those which relate to persons at large, to cause subpœnas to be issued under the direction of the prosecutor of the pleas by the clerk of the courts for said county to persons having knowledge concerning alleged offenders then in said jail, to appear before the grand jury immediately upon their session, and during the session of the said grand jury to issue like subpœnas from time to time as may be requisite, to aid the grand jury or any committee or member thereof in forwarding their business and in the examination of witnesses, and to write down the evidence of all witnesses sworn, and generally to aid and assist the grand jury according to his discretion and ability in the discharge of their duties. Duties.

4. *And be it enacted*, That the said clerk of the grand juries shall receive for his compensation the sum of one hundred dollars per year, to be paid by the collector of the county. Compensation.

5. *And be it enacted*, That it shall be the duty of the justices of the peace of said county of Morris to deliver to the clerk of the grand juries seven days before each session of the courts of said county, all complaints, examinations, informations and recognizances before them had or taken and remaining, and if any justice shall omit so to do, he shall forfeit and pay to and for the use of the county one hundred dollars, to be sued for in an action of debt by the chosen freeholders thereof. Duties of Justices of the peace.

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

Approved March 13, 1866.

CHAPTER CXLIX.

An act to incorporate "The Mutual Land Improvement and Building Association.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William T. Hooker, William M. Babbit, Nathan H. Stockwell, Albert P. Condit and William H. Vermilye, 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 Mutual Land Improvement and Building Association," and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate, in the county of Essex as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid.

Election of directors.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five 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 January 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 Essex, 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 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 vacan-

cies 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 the persons named in the first section of this act who shall hold their office until others are legally chosen.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of ten 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 proportions as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least two weeks in a newspaper in the county of Essex, or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid; and in case of failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time, in the county of Essex, as the directors shall appoint, notice being given previous thereto 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.

May hold real estate.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold, from time to time, in whole or in parcels, and to improve the same by erecting or causing to be erected thereon, buildings of every name, kind and description; and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots, and to use the same for agricultural purposes or in any other lawful way that the said corporation

may deem necessary and advisable; and to purchase and make up, manufacture, sell and dispose of all materials pertaining to the erection of such buildings.

Powers of directors.

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 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.

Not to be dissolved by reason of failure to elect.

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.

Limitation.

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

Approved March 13, 1866.

CHAPTER CL.

An act to authorize the Kensington and New Jersey Ferry Company, to establish a steamboat ferry across the Delaware.

Preamble.

WHEREAS, by an act of the general assembly of the commonwealth of Pennsylvania, approved the fourth day of May, anno domini eighteen hundred and sixty-four, entitled "An act to incorporate the Kensington and New Jersey Ferry company," the said company was incorporated with full power and authority to procure, purchase, construct and equip one or more steam ferry boats, and other craft of such burthen, power, construction and movement, and with such appurtenances, apparel and furniture, as they may deem adequate and proper for the purposes and objects of their charter, and the same to employ in and about ferrying, carrying and transporting of persons, vehicles,

wagons, horses, cattle, swine, goods, wares and merchandise, and other things from the foot of Shackamaxon street wharf, or near it, in the eighteenth ward of the city of Philadelphia, to the state of New Jersey; and whereas, the said company has applied to the legislature of New Jersey for necessary legislation, in order that "The Kensington and New Jersey Ferry Company," may purchase and hold real estate in New Jersey, and establish the said steamboat ferry from the foot of Shackamaxon street, or near it, to a point near Cooper's Point, in the state of New Jersey; therefore,

Authority to establish ferry.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That authority is hereby given to the board of directors of the Kensington and New Jersey Ferry Company, as provided for by the charter granted by the commonwealth of Pennsylvania, recited in the preamble of this bill, and that the said board of directors shall have power to erect or establish a steamboat ferry company from the foot of Shackamaxon street, or near it, in the city of Philadelphia, state of Pennsylvania, to such place in the city of Camden, at or near Cooper's Point, as may best serve the public convenience and interest of said corporation, and for that purpose may purchase or lease real estate, wharves, piers, slips, buildings, and all other necessary appendages, and may build steamboats, vessels and ferryboats of such descriptions and dimensions as the board shall order and direct.

General powers.

2. *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 any individual or individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Dividends.

3. *And be it enacted*, That the president and directors of said company shall declare and make such dividends of the net profits of their business among the stockholders as they may deem prudent, 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 book accounts and papers of the company if required to do so by any person or persons being stockholders.

4. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved March 13, 1866.

CHAPTER CLI.

Supplement to "An act authorizing the Lower Township, in the county of Cape May, to issue bonds for war purposes, and to provide for the payment of the same," approved March seventh, eighteen hundred and sixty-five.

To issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the Lower Township, in Cape May county, be and they hereby are authorized to issue bonds of the said township for the payment of three hundred dollars in addition to the amount provided for in the act to which this is a supplement, to each man enrolled in said township who has furnished a substitute or has entered himself in the military service of the United States who may have been accredited to said township upon its quota under any call of the president of the United States for troops from said township; *provided* they have not received any bounty from the general or state government or from the county of Cape May.

Proviso.

Bonds to volunteers.

2. *And be it enacted*, That the said township committee be and they are hereby authorized to issue bonds for the payment of two hundred dollars to each volunteer from said township who entered the military service of the United States aforesaid for the term of three years in any New Jersey regiment and who may have been honorably discharged, subject to the provisions as provided for in section first as to previous bounties.

3. *And be it enacted*, That the provisions for the issuing and redemption of these bonds shall be the same as that provided in the act to which this is a supplement.

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

Approved March 13, 1866.

CHAPTER CLII.

An act to incorporate a company to form an artificial navigation between the waters of Newark bay and New York bay.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas B. Peddie, John B. I. Robison, Theodore P. Howell, Beach Vanderpool, Joseph Hanson, George Peters, John McGregor, Peter H. Ballentine, Thomas W. Dawson, Francis S. Lathrop, David Ayers, Stephen G. Sturges and John M. Phillips, and such persons as may be hereafter associated with them, as hereinafter provided for, 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 York and Newark Bay Ship Canal Company," for the purposes, and with the privileges and immunities, hereinafter described, defined and granted, and by that name they and their successors and assigns shall, and may have continued succession and may sue and be sued, implead and be impleaded in courts of justice, or in any other place whatsoever; and that the said company shall have power and authority, at any time after the passage of this act, to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell, all such lands, tenements and hereditaments, waters, streams and water privileges, rights, goods, chattels and effects of every description, whatsoever, as may be necessary for carrying into effect, any of the provisions of this act.

Amount of capital stock

2. *And be it enacted*, That the amount of the capital stock of the said company shall be one million dollars ($1,000,000), and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they or a majority of them may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state; and at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commis-

sioners, or some one of them, and as soon as two hundred and fifty thousand ($250,000) dollars of the capital stock shall be subscribed, such commissioners shall give notice for a meeting of the stockholders, to choose thirteen 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 said corporation, and shall certify, under their hands, the names of these persons duly elected, and deliver over the subscription books and money paid in, deducting all the expenses previously incurred, to the 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 each election, choose out of their number a president, who shall be a resident of this state; and in case of 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 said corporation shall provide.

Election of directors.

Not to be dissolved by reason of failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not on that account 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,

Directors to collect instalments.

5. *And be it enacted*, That seven directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of the company by such installments and at such times as they may direct; and in case of the non-payment of said installments or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe

such by-laws, rules and regulations as to them shall appear needful and proper, touching the management, regulation of the stock, property, estate and effects of the said corporation, and also have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to be paid them and also to the president as to the said board shall appear proper.

Powers of directors.

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 canal to connect the waters of New York bay with the waters of Newark bay across Bergen Neck, in the county of Hudson, at or near the division line between the township of Bayonne and the township of Greenville, with a tow-path along the line of the same, sufficient for the purposes of the said company, with all the locks, works, devices, wharves, sheath-piling, fenders, toll-houses and offices necessary for the use of said canal, and it shall and may be lawful for the said company to occupy and take as much land, not exceeding three hundred feet in width, except in such places where, from the depth of the excavation, or the height of the embankment, or for locks or basins, it is necessary to take more land, in which case so much land as shall be necessary for the purpose and no more shall be taken; and it shall and may be lawful for the said president and directors, their agents or others in their employ, to enter at all times on all lands and all waters for the purpose of exploring, surveying or laying out the route of said canal and of locating the same, and to make and erect all necessary works and appendages thereof, and when the route of such canal 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, and other persons in its employ, to enter upon and take possession of, hold, occupy, have, use and excavate any such lands for the purpose of completing and making such canal as shall be necessary, subject to such compensation as is hereafter provided.

To erect piers, &c.

7. *And be it enacted*, That it shall and may be lawful for the president and directors of said company to excavate and dredge in connection with said canal in the lands under water in the Newark bay and New York bay, and to deepen the waters thereof for such a distance as may be necessary for the purpose of reaching a depth of water in said New-

ark and New York bays as will be necessary for the passage of all vessels which may be transported upon said canal, and to erect fenders, sheath spiling, and all necessary piers, to be constructed of stone, wood or other material upon the sides of said excavations.

Proceedings when agents and owners cannot agree

8. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of said canal shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested if known, and in this state, or if unknown and out of this state to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of the county in which the land or materials in controversy lie, or the owners reside, commissioners to appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially, to examine the matter in question and make a true report according to the best of their skill and understanding), to meet at the time and place appointed and to proceed to view and examine the said land and materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said canal as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisements of the value of the same and assessment of damages

as shall be paid by the company for such lands and materials and damages aforesaid, which report shall be made in writing under the hand and seal of said commissioners, or any two of them, and filed in the clerk's office of the county of Hudson, 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 said land and property, 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 if they shall neglect and refuse to pay the same for sixty days after demand made of their treasurer or secretary.

Rates of tolls

9. *And be it enacted*, That the president and directors of such corporation, or a majority of them, shall have power to charge and collect tolls and rates for the passage of all boats and vessels upon the said canal, and for towing all boats and vessels upon the same, and to make, enact, and at pleasure to change and re-enact such tolls and rates, and also regulations and rules for the collection and levying of the same as to them may seem proper; *provided*, that the toll charged by said company shall not exceed five cents per mile for each ton of registry measurement on all vessels passing through said canal.

Proviso.

To be a public highway.

10. *And be it enacted*, That the said canal when completed shall forever thereafter be esteemed a public highway free for the passage of vessels and for the transportation of any goods, commodities or produce whatever, on payment of the tolls and charges and conforming to the regulations made or authorized by this act and by the by-laws of said corporation.

Dividends.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the profits of said canal.

May purchase vessels, &c.

12. *And be it enacted*, That the president and directors of said company shall have power to purchase all tow boats, vessels, or other vehicles for the transportation of persons or any species of property on said canal, and for towing vessels through the same as they may deem expedient or right, and to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passen-

gers, and for towing boats through and on said canal, and to enforce the fulfilment of such contracts.

President, &c., to make certain contracts.

13. *And be it enacted*, That it shall be lawful for the president and directors of said corporation to make contracts and engagements with the Morris canal and Banking Company, for the purchase or use of any portion of the canal of the said the Morris Canal and Banking Company.

Bridges.

14. *And be it enacted*, That when the said canal shall cross any public road or the railroad track or tracks of any incorporated company, it shall be the duty of said company hereby incorporated, at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the usage of said road or railroad, by reason of the said canal crossing the same.

Tax to be paid to the state.

15. *And be it enacted*, That as soon as the canal with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation, a statement of the amount of the cost of said canal, its equipment and appendages, 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 canal, until the net income of said canal shall amount to seven per centum upon the amount of its cost, and as soon as the net proceeds of said canal shall amount to seven per centum 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 canal, its equipment and appendages, to be paid annually thereafter 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.

Penalty for injury or obstruction of canal.

16. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the canal constructed under the provisions of this act, or of any of the necessary works, wharves, or improvements, 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, and an action of debt, and further, shall be liable for all damages.

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 canal, or for the uses and objects of said company, and to secure the payment thereof by bond or mortgage, or otherwise on said canal, or on the land, privileges, franchises, and appurtenances of or belonging to said corporation, on the best possible terms, to be sanctioned by the board of directors or a majority thereof; *provided*, that the sum so borrowed shall not exceed a sum equal to two-thirds of the amount of the capital stock paid in. Proviso.

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

Approved March 13, 1866.

CHAPTER CLIII.

A Supplement to an act entitled "An act for the incorporation of companies to navigate lakes, ocean and inland waters," approved March seventeenth, one thousand eight hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to form companies under the provisions of the act to which this is a supplement, with an amount of capital stock which shall not be more than one million dollars, nor less than ten thousand dollars. Limitation of capital stock.

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

Approved March 13, 1866.

CHAPTER CLIV.

Supplement to an act respecting conveyances, approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled, Provisions of former act extended

"An act to legalize certain acknowledgments of deeds taken, or to be taken, in other states and territories of the United States for lands and real estate in this state," approved March first, eighteen hundred and forty-nine, and of the act entitled "Supplement to the act entitled, 'An act relative to commissioners for taking the acknowledgment and proof of deeds,' approved April fifteenth, eighteen hundred and forty-six," approved March ten, eighteen hundred and fifty-eight, shall extend to and include all proofs and acknowledgments, heretofore made and taken, or hereafter to be made and taken, of deeds of and for lands or real estate in this state, by any grantor or grantors, residing in this state, and temporarily absent therefrom, or by any grantor or grantors residing in any state or territory other than that in which the said proof or acknowledgments have been or shall be made and taken.

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

Approved March 13, 1866.

CHAPTER CLV.

An act to authorize the township committee of the township of Bloomfield, in the county of Essex, to open, work, and repair the public roads, streets, avenues, and sidewalks in said township.

Powers of township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the opening, working and repairing of the public roads, streets, avenues and sidewalks, in the township of Bloomfield, in the county of Essex, shall be hereafter under the control, direction and supervision of the township committee of said township, who shall designate and employ such and so many agents, and for such compensation, as they shall deem expedient, in the premises, and who shall also have the control and disposal of all moneys raised, or to be raised, in the said township for said purposes.

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

Approved March 13, 1866.

CHAPTER CLVI.

An act to authorize the construction of a Dock at Keyport.

Preamble. WHEREAS, George J. Kibbee, of the township of Raritan, in the county of Monmouth and state of New Jersey, hath represented that he is the owner of certain lands situate in said township. adjoining the waters of the Raritan bay, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, or to lease for a term of years said land to such person or persons, or to any incorporated company as he may deem advisable for the purpose of building, maintaining and keeping in repair a dock or wharf, extending a sufficient distance into said bay for the accommodation of vessels navigating the same; therefor,

To build docks. 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 George J. Kibbee, his heirs and assigns, to build, maintain and keep in repair a dock or wharf, or to lease for a term of years to any person or persons or to any incorporated company for the purpose of building, maintaining and keeping in repair a dock or wharf upon and in front of his lands in said township of Raritan, 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.

Penalty for injury to dock. 2. *And be it enacted*, That if any person or persons shall wilfully destroy, or in any way injure the said dock or wharf, such person or persons shall be responsible for and shall make good all damages which the owner or owners may sustain.

To receive compensation. 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 George J. Kibbee, his lessee or lessees, their heirs or assigns, to demand, receive and collect reasonable compensation therefor.

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

Approved March 13, 1866.

CHAPTER CLVII.

An act to amend an act entitled "An act to enable the inhabitants of Pequannoc, in the county of Morris, to raise money," approved March ninth, eighteen hundred and sixty-five.

Former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that the sixth section of the act entitled "An act to enable the inhabitants of Pequannoc in the county of Morris to raise money," approved March ninth, eighteen hundred and sixty-five, be and the same is hereby amended by striking out the words "two years" in the second line of said section.

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

Approved March 13, 1866.

CHAPTER CLVIII.

Supplement to an act entitled "An act to incorporate the New Jersey Classical and Scientific Institute at Hightstown New Jersey," approved March seventeenth, eighteen hundred and and sixty-five.

Powers of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the trustees to appoint and remove teachers and other officers, fix their salaries, prescribe the course of study and confer degrees.

Repealer.

2. *And be it enacted*, That the fifth section of the act to which this is a supplement and all parts of said act incon-

sistent with this act, are hereby repealed, and that this act shall go into effect immediately.

Approved March 13, 1866.

CHAPTER CLIX.

A supplement to an act entitled "An act empowering Railroad Companies to employ a Police Force."

Canal police

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 is a supplement are hereby so extended as to apply in all things to all the canal corporations of this state, on which transportation is carried on either by horse-power or by steam, and policemen commissioned under the provisions of said act shall be designated "Canal Police."

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

Approved March 13, 1866.

CHAPTER CLX.

A further supplement to an act entitled "An act in regard to bounties in the County of Burlington," approved March seventh, eighteen hundred and sixty-five.

Certain poll taxes to be remitted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Township Committees of the townships of Bordentown, Chesterfield, New Hanover, Mansfield and Burlington, county of Burlington, shall be and are hereby authorized, instructed and directed to remit or deduct any poll tax which has been or may hereafter be assessed upon any person or persons in said townships, under the authority of an act entitled "An act in regard to bounties," in the county of Burlington, approved March seventh, eighteen hundred and sixty-five, who shall have served not less than nine months as a soldier or a sailor, either in the

army or the navy of the United States during the war for the maintenance of the Union against the rebellion and who shall have been honorably discharged from said service.

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

Approved March 13, 1866.

CHAPTER CLXI.

An act to incorporate "The Iron and Brass Moulder's Association of the city of Paterson," in the county of Passaic and state of New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Scanlon, Charles A. Forbes, John Robinson, John Elmere, James Closs, David Miller, Thompson Titus, Samuel K. Thompson, Samuel Hilton, James Bevins, John Caroline and Isaiah Jenkins, their associates and successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "The Iron and Brass Moulders' Association of the city of Paterson," and by that name they and their successors, shall and may at all times hereafter be capable in law of having, purchasing, holding and possessing any lands, tenements and hereditaments and personal estate purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same, and also to have a common seal and use and change the same at pleasure; *provided always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ($50,000) fifty thousand dollars.

Proviso.

Object and purpose.

2. *And be it enacted*, That the object and purpose of this association shall be to create and establish a permanent fund to be used for the relief and assistance of such of its members as shall by sickness, casualty or other cause be rendered incapable of attending to their usual occupation or calling, by providing for them either partial or entire support, according to their necessities, and for the purposes of mutual benefit, protection and advantage.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in such officers, to be elected at such time and in such manner, as the said corporation shall by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States. Election of officers. Proviso.

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

Approved March 13, 1866.

CHAPTER CLXII.

An act to incorporate "Eagle Hose Company No. One," in the township of West Hoboken, in the county of Hudson.

WHEREAS, A number of citizens associated themselves together, in the township of West Hoboken, in the county of Hudson, and State of New Jersey, in the year of our Lord one thousand eight hundred and sixty-five, under the name of "Eagle Hose Company No. One," for the protection of the lives and property of their fellow citizens from destruction and loss by fire; and whereas, the said company believing that they would be advantaged by having an enactment from the legislature of this state, conferring acts of incorporation on them, respectfully ask that the same may be granted them; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Ludlow, Jacob England, Adam Steiger, William Drescher, Morris Muller, Ernest Asmus, William B. Standford, and all such citizens of the township of West Hoboken between the ages of twenty-one and fifty-five years, to the number of thirty, as now are, or may hereafter become, members of said "Eagle Hose Company No. One," of the township of West Hoboken, in the county of Hudson, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, under the name, style and title of "Eagle Hose Company No. One," of the township of West Hoboken, in the county of Hudson, and by the same shall have succession, and be persons in law, Names of corporators.

capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and by their corporate name, as aforesaid, and under their common seal make, enter into, and execute any contracts or agreements touching and concerning the object of said corporation; and shall have full power to make, form, and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of five thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such fire hose, hose carriages, hose house, and such other apparatus, and to such other incidental expenses as the company shall hereafter deem proper to secure the property of their fellow-citizens from injury or destruction by fire.

Company to elect officers.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a foreman, out of their body, and such other officers as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and that the said foreman shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts, and arrearages due the said company.

Maintenance

4. *And be it enacted*, That as soon as the township authorities of the township of West Hoboken shall form or sanction the formation of a Fire Department and obtain an act of incorporation therefor, this Company shall have a right to come under its jurisdiction, but that in the meantime the company shall be entitled to such amount of money from the township authorities of West Hoboken, as is requisite for its maintenance and repair; provided it does not exceed the sum of one hundred dollars annually.

Proviso

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

Approved March 13, 1866.

CHAPTER CLXIII.

An act to incorporate "Ashlar Lodge, Number Seventy-six, Ancient Free and Accepted Masons," located at Trenton, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James S. Aitkin, W. W. L. Phillips, Edward T. Green, S. Meredith Dickinson, Charles B. Gray, Caldwell K. Hall, William R. Clapp, Jonathan Good, Thomas S. Stevens, J. A. Pittenger, Woodbury D. Holt, John Taylor, Willet Hicks, Jonathan Vannote and their associates, officers and members of "Ashlar Lodge, Number Seventy-six, Ancient Free and Accepted Masons of the state of New Jersey," and their successors, be and they are hereby declared to be a body politic and corporate in law, by the name, style and title of "Ashlar Lodge, Number Seventy-six, Ancient Free and Accepted Masons," and by that name, they and their successors may at all times hereafter be able to sue and be sued, plead and be impleaded, have full power to collect any debts now due and owing or which may become due and owing to the said "Ashlar Lodge," in any court of law having cognizance of the same. Names of corporators.

2. *And be it enacted*, That the said corporation shall be capable of having, holding and possessing any lands, tenements, hereditaments and personal estate purchased or devised by any person or persons, bodies corporate or politic, capable of making the same; *provided*, that the said corporation or body politic, shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of five thousand dollars. May hold real estate. Proviso.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a board of three directors, who shall be elected annually at such time and manner as the said corporation shall in its by-laws direct; *provided*, such by-laws, shall not be repugnant to the constitution and laws of this state or of the United States. Powers of directors. Proviso.

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

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

Approved March 13, 1866.

CHAPTER CLXIV.

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.

Time for commencing work, &c., extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the fifth section of the act entitled "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, which supplement was approved March twelfth, eighteen hundred and sixty-one, within which to commence and complete the extension of the railroad authorized by said act, be and the same is extended five years from the passage of this supplement, within which the said extension may be commenced, and to seven years for its completion, within which time the said road may be extended and constructed as authorized in the act herein recited.

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

Approved March 13, 1866.

CHAPTER CLXV.

A further supplement to the act entitled "An act for the Punishment of Crimes," 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 if any person or persons shall hereafter wilfully or maliciously destroy, break, injure or obstruct any machinery or gearing, or any part thereof owned or used by any other person or persons, or by any incorporated company for manufacturing purposes, such person or persons so offending shall be deemed guilty of a high misdemeanor, and on conviction shall be punished by fine not exceeding one hundred and fifty dollars, or imprisonment at hard labor not exceeding two years, or both. Penalty for injury

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

Approved March 13, 1866.

CHAPTER CLXVI.

An act to incorporate Excelsior Hook and Ladder Company, Number One, of New Durham, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Bruce, Jacob Day, Seba Bogert, Andrew Beck, junior, James McFarlane, William T. Day, Thomas D. Eckerson, Andrew J. Sigler, Peter B. Everson, Michael C. McCrosky, James Danielson, John J. Ackerman, Henry Ackerson, Garrett H. Saunier, Peter E. Ackerson, John Seeley, William Day, Egbert Post, William Wilmington, Robert Randell, Cornelius McCollum, James B. McCrosky, Abraham J. Charles, Henry L. Buswell, William T. Hoyt, and all citizens of the township of North Bergen, in the county of Hudson, between the ages of twenty-one and fifty-five years, to the number of forty, and no more, who are at present or shall hereafter become members of said company, be and the same are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "Excelsior Hook and Ladder Company, Number One, of New Durham, in the County of Hudson." Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of five thousand dollars, which shall solely and exclusively be applied to procuring such truck-carriages, ladders, buckets, fire-hooks, truck-house, together with such necessary implements and ma- Amount of capital stock

chines as are pertinent to similar companies, and to such other expenses as shall to said company appear best calculated to protect the property of the citizens of said township from injury or destruction by fire; and that part of the said sum of money may be applied to the purchase of a lot of ground upon which to erect a suitable truck-house.

Rules. Proviso.

3. *And be it enacted*, That said company shall have power to enact rules for its own government; *provided*, they are not inconsistent with the laws of the State or of the United States; that the foreman of said company shall have custody of the common seal of said company, and at the expiration of his term of office shall deliver the same over to his successor; and said company, in their corporate name, may sue and be sued, and exercise all similar functions of like corporate bodies.

County clerk to keep record, &c.

4. *And be it enacted*, That it shall be the duty of the foreman to report the election of each member, within thirty days' after his election, to the county clerk of the county of Hudson, whose duty it shall be to record the same upon the exemption books and furnish proper certificates, for which said clerk shall receive the sum of twenty-five cents.

Treasurer to give bonds.

5. *And be it enacted*, That the treasurer of said company shall, within one month after his election, give suitable bonds of not less than five hundred dollars or more than one thousand dollars, as the company may direct.

Exemption.

6. *And be it enacted*, That all citizens, during the period of their active membership in said company, shall be exempt from all jury and militia duty and military tax in times of peace; and every person having served as a member of said company for the term of seven years, shall be entitled to a discharge certificate from the county clerk, and shall be forever exempt from said jury and militia duty, as also military tax in the state of New Jersey.

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

Approved March 13, 1866.

CHAPTER CLXVII.

An act to incorporate the Union County Building and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph T. Crowell, Henry Spear, Jacob R. Shotwell, Benjamin M. Price and William C. Squier, and such other persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the name of "The Union County Building and Improvement Company." Names of corporators.

2. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by five directors, all of whom shall be stockholders, and a majority of whom shall be residents of this state, 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 of the day 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 Union; 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 Joseph T. Crowell, Henry Spear, Jacob R. Shotwell, Benjamin M. Price and William C. Squier. Election of directors.

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

Amount of capital stock

ation shall be fifty thousand dollars, with the privilege of increasing it to two hundred thousand dollars, which shall be divided into shares of fifty dollars each, and as soon as three 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 two weeks in a newspaper in the county of Union, 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 subscription for the stock of said corporation shall be opened at such time and place, and remain open such time in the said county of Union 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.

Not to be dissolved by reason of failure to elect.

4. *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 aforesaid, as shall be prescribed by the by-laws of said corporation.

May purchase real estate.

5. *And be it enacted*, That the said corporation are hereby authorized and empowered, to construct and erect buildings and public works, and to provide and procure and deal in the materials necessary therefor, and to purchase and hold such real and personal estate in the county of Union as may be necessary or expedient for their purposes, and to mortgage, lease or sell the same.

Improvements.

6. *And be it enacted*, That the said company may improve any part of the lands sold, leased, or purchased by them, by

grading, paving, curbing, guttering or flagging the same, or by constructing sewers or drains, subject to the directions and regulations of the municipal authorities of any cities in which such improvements may be proposed by said company, and the said company may contract with any corporation or person or persons, for the construction of any public works or improvements for such corporation or person or persons, and for the purpose of improving their property, and to enable them to raise money to carry into effect the objects authorized by this act, the said company are authorized to issue their bonds, bearing interest not exceeding seven per cent. 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, such portion of the property of said company as the directors may deem necessary for the purpose; *provided*, that the amount of bonds issued shall at no time exceed two-thirds of the amount of the value of the real estate held by said company. Proviso.

7. *And be it enacted*, That this act shall take effect immediately, and continue in force for thirty years, and the legislature may at any time amend or repeal the same.

Approved March 13, 1866.

CHAPTER CLXVIII.

An act to amend the Bounty Law of the township of Hanover, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act entitled "An act to legalize and provide for the payment of certain debts incurred by the inhabitants of the township of Hanover, in the county of Morris, and to authorize them to contract certain debts hereafter, to furnish men for the military service of the United States," approved February twenty-third, eighteen hundred and sixty-five, be and the same is hereby so altered and amended as to exempt from the special poll tax therein directed to be assessed, all such persons, inhabitants of said township, as shall have served in the army Amendment to former act.

and navy of the United States, and have received an honorable discharge therefrom.

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

Approved March 13, 1866.

CHAPTER CLXIX.

An act to incorporate the Flanders and German Valley Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following persons, namely: William G. Lathrop, George T. Cobb, John Hill, Jacob Vanatta, William S. Carey, Rance Hann Gray, Elias M. White, John Nanghright, Jacob M. Hagar, John C. Welsh, Jacob A. Wise, Isaiah Trimmer, Charles A. Lighthipe, Robert Rusling, Frederick Canfield, John C. Bailey, John Neighbor, Obadiah Latourette and William M. Babbitt, and their associates, shall be and they are hereby constituted a body politic and corporate, by the name of "The Flanders and German Valley Railroad Company," and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts whether in law or equity, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of and holding or conveying any real or personal estate, shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure, and shall have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, with liberty to double the same, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such a manner as the said corporation shall by their laws direct.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books for

receiving subscriptions to the capital stock of said corporation; the said books shall be opened by the said commissioners, or a majority of them, two days in succession, the first day at Flanders, and the second day at German Valley, and shall be kept open from ten o'clock in the morning to five o'clock in the afternoon of each day, and twenty days' notice shall be given by the said commissioners at such times and places in two of the newspapers printed in Hunterdon and Morris counties, and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened, or a majority of them, to make a fair and just apportionment of the stock among the subscribers, giving preference to the citizens of New Jersey; and at the time of subscribing for said stock five dollars shall be paid upon each share subscribed for to the commissioners or some one of them, and that the residue of the 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 thirty days' public notice thereof as aforesaid, and upon failure of payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the company. Commissioners to open subscription books.

4. *And be it enacted*, That when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same be necessary it shall be the duty of the aforesaid commissioners or a majority of them to give like notice as the above, to choose nine directors, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose either in person or by lawful proxy, each share entitling the holder thereof to one vote; and the said commissioners or any two of them shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to said directors, and the moneys paid to them for subscriptions to said capital stock as shall remain in their hands after defraying the expenses of subscription and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, and the time and place of Election of directors.

holding the first meeting of directors shall be fixed by the said persons who act as inspectors as aforesaid, and the first directors and yearly the directors chosen at any election for that purpose shall, as soon as may be after the election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the board of directors; and in case of the absence of the president the said board or a majority of them may appoint a president pro tempore.

Powers of directors.

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, engineers, 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 they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

To construct road.

6. *And be it enacted*, That the said president and directors of the said corporation shall be and they are hereby invested with all the rights and powers necessary to the survey, laying out and construction and repair of a railroad not exceeding sixty-six feet in width, with as many sets of tracks as they may deem necessary, from some convenient point between Hampton Junction and the high bridge at or near the line of the Central Railroad of New Jersey, in the county of Hunterdon, to some point on the Morris and Essex Railroad at or near Baker's Mills, in the county of Morris, and the said company and their agents and servants and others in their employ may enter upon, take possession of and use and excavate or level any land which may be wanted for the

site of said road; but all lands and real estate thus entered upon which are not donations shall be purchased by the said corporation of the owner or owners thereof at the price to be mutually agreed upon between them; and in case of a disagreement as to price, it shall be the duty of either of the justices of the supreme court, upon notice to be given him by the said corporation or by the owner or owners of such land or real estate, to appoint three disinterested commissioners from the county in which the lands lie, to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said corporation; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of said road, through any improved lands over which the same may run; and it shall be the duty of the said commissioners, after having taken an oath or affirmation faithfully and impartially to discharge the trust imposed in them, to deliver to the said corporation a written statement signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, together with the amount of assessment for running, making and maintaining the fencing, to be recorded by the said corporation in the office of the clerk of the county where such lands are situated; and upon payment or tender of such compensation as aforesaid to the said owner or owners, then the said corporation shall be deemed seized and possessed in fee simple of all such land or real estate; and in case of any owner or owners of such land or real estate so appraised shall be feme covert, under age, non compos mentis or out of the state, then and in such case the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, into the court of chancery, to the clerk thereof, subject to the order of said court for the use of said owner or owners, all which proceedings shall be had at the proper costs and charges of the said corporation, to be determined by the said justice of the supreme court; *provided always*, that should the owners of any real estate, land or material feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party

Proviso.

the right of trial by jury in such court, and the decision of such court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs unless a larger sum shall be received than that awarded by the commissioners; *and provided also*, that in case the said company, after the same is completed, shall abandon the said road or any part thereof, or cease to use and keep the same or any part thereof in repair at any time for five successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be reverted in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, their heirs and assigns.

Proviso.

May build bridges.

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

Limitation.

8. *And be it enacted*, That if the corporation hereby created shall not within five years from the first day of January next commence the construction of said road, and within five years thereafter construct, finish and put in operation the said railroad, then as to such parts not constructed this act shall [cease] and be null and void.

May borrow money.

9. *And be it enacted*, That the said company be and are hereby authorized to borrow such money as may be necessary for the construction of their road and secure the repayment thereof by bonds or by mortgage on the property, privileges and franchises of the said company, and that any corporation created by any existing law of this state may subscribe to the capital stock of this company and hold the same as stockholders therein, and that it shall be lawful for the said company to form connections or junctions of their road with any other railroad now constructed upon such

terms and conditions as may be agreed upon by said companies.

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

11. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, 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, shall pass and repass on the railroad of said company in their cars free of charge. Who may ride free of charge.

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

Approved March 13, 1866.

CHAPTER CLXX.

An act to revise and amend the charter of the city of Trenton

TITLE FIRST.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

Boundary lines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country, in the county of Mercer, contained within the boundary lines of the city of Trenton, as now established by law, shall continue to be a city by the name of the city of Trenton, and all the inhabitants of this state, within the limits aforesaid,

Incorporation of city.

and their successors forever, shall be a body politic and corporate in law and in fact, by the name of "The inhabitants of the city of Trenton," and that by that name, they and their successors forever, shall 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 courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors, may have a common seal, and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The inhabitants of the city of Trenton," and their successors, shall, by this act, become and they are hereby declared to be absolutely and completely vested with, and possess and enjoy all the lands, tenements, hereditaments, liberties, franchises, and jurisdiction, property, rights, causes of action, and estate whatsoever, both in law and equity, in possession, reversion and remainder, which at the time of the passing of this act, are vested in or belong to the city of Trenton, as now incorporated by the name of "The inhabitants of the city of Trenton," in the same manner and to the same extent as they are vested in or belong to the said "The inhabitants of the city of Tnenton," as now incorporated.

2. *And be it enacted*, That the said city of Trenton shall be

divided into six wards, the boundaries of which shall be as follows:

Boundaries of wards.

I. All that part of the city bounded as follows: beginning at a point in the centre of the intersection of Warren street and the Assanpink creek, thence running northerly along the middle of Warren street to a point opposite the middle of Hanover street, thence easterly along the middle of Hanover street, and in a direct line therewith to the middle of the Delaware and Raritan canal, thence northerly along the middle of said canal to the middle of Perry street at its junction with said canal, thence easterly along the middle of Perry street, and in a direct line therewith to the middle of the Assanpink creek, and thence down the middle of said creek the several courses thereof to the place of beginning, shall constitute the First ward of the said city.

II. All that part of the said city bounded as follows: beginning at a point in the centre of the intersection of Warren street and the Assanpink creek, and running thence northerly along the middle of Warren street to the Princeton turnpike, thence along the middle of said turnpike to the line of the township of Ewing, thence along the line of the township of Ewing to the Delaware river, thence down the Delaware river to the mouth of the Assanpink creek, and thence up the middle of said creek to the place of beginning, shall constitute the Second ward of said city.

III. All that part of the said city bounded as follows: beginning at a point in the centre of the intersection of Warren street and the Assanpink creek, and running thence southerly along the middle of Warren street to its intersection with Lamberton street, thence along the middle of Lamberton street to the middle of Washington street, thence along the middle of said street easterly to the middle of the Delaware and Raritan canal, thence northerly along the middle of said canal to the centre of the intersection of said canal and the Assanpink creek, thence down the middle of said creek to the place of beginning, shall constitute the Third ward of said city.

IV. All that part of the said city bounded as follows: beginning at a point in the centre of the intersection of Warren street and the Assanpink creek, and running thence southerly along the middle of Warren street to its intersection with Lamberton street, thence along the middle of Lamberton street to the middle of Washington street, thence along the middle of Washington street westerly to the Del-

aware river, thence up the Delaware river to the mouth of the Assanpink creek, and thence up the middle of said creek to the place of beginning, shall constitute the fourth ward of said city.

V. All that part of the said city bounded as follows: beginning at a point in the middle of Warren street and opposite the middle of Hanover street, and running thence easterly along the middle of Hanover street and in a direct line therewith to the middle of the Delaware and Raritan canal, thence along the middle of said canal northerly to the centre of the intersection of said canal and Perry street, thence easterly along the middle of Perry street and in a direct line therewith to the middle of the Assanpink creek, thence up the middle of said creek to the line of the township of Lawrence, thence along said line and the line of the township of Ewing to the middle of the Princeton turnpike, thence southerly along the middle of said turnpike to Warren street, and thence down the middle of said Warren street to the place of beginning, shall constitute the fifth ward of said city.

VI. All that part of the said city bounded as follows: beginning at a point in the centre of the intersection of Washington street and the Delaware and Raritan canal, and running thence westerly along the middle of Washington street to the Delaware river, thence down the Delaware river and along the foot of the high bank and the line of the township of Hamilton to the middle of the Delaware and Raritan canal, and thence along the middle of the said canal northerly to the place of beginning, shall constitute the sixth ward of said city.

TITLE SECOND.

ELECTION, APPOINTMENT AND RENEWAL OF CITY AND WARD OFFICERS.

Election of officers.

3. *And be it enacted*, That the mayor shall be the chief executive officer of the said city, and shall possess the powers and privileges, and perform the duties which are hereinafter specified; he shall be elected for the term of one year, at the annual city election, and shall receive such compensation for his services, not exceeding five hundred dollars per annum, as the common council shall by ordinance direct.

Councilmen to be elected by wards.

4. *And be it enacted*, That the common council of said city shall consist of four members in and for each of the wards of said city, who shall be divided into two classes as hereto-

fore; and each of the wards of the said city shall, at the annual city election, elect two persons as members of the common council for said ward, who shall hold such office for the term of two years.

Trustees of public schools.

5. *And be it enacted*, That the board of trustees of public schools of said city shall consist of two trustees in and for each of the wards of said city, who shall be divided into classes as heretofore; and each of the wards of said city shall, at the annual city election, elect one person as trustee of public schools, who shall hold such office for the term of two years.

Elections to be by ballot.

6. *And be it enacted*, That an election by ballot shall be held annually, on the second Monday in April, in each of the wards of the said city, between the hours designated by law for holding the annual state election, at such places as the common council shall appoint, of which places the city clerk shall cause notice to be given in the several newspapers in said city, at least one week previous to the day of such election, at which election there shall be elected, in and for said city, one mayor, one city treasurer, one school superintendent, one overseer of the poor, who shall hold their offices respectively for the term of one year; and, in and for each of the wards of said city, two members of the common council, and one trustee of public schools, who shall hold their offices respectively for the term of two years, and one assessor, two constables, one commissioner of appeals in cases of taxation, one chosen freeholder, one ward clerk, and one judge and two inspectors of election, who shall hold their offices respectively for the term of one year, and there shall also be elected in and for said city, at the city election in every second year, one person to be receiver of taxes of said city, who shall hold his office for the term of two years; *provided*, that in the election of said inspectors of election no ballot shall contain the name of more than one person to be voted for as an inspector of election, and in case any ballot voted shall contain the names of more than one person voted for said office, such names shall be rejected; justices of the peace of the several wards of said city shall be elected at the time prescribed by this act for the election of city and ward officers.

Judges of election how appointed.

7. *And be it enacted*, That the aforesaid annual city election, in each ward, shall be held and conducted by the judge, inspectors of election, and clerk of election, in the same manner, and under the same regulations, in all things, as

prescribed by law for the state elections for members of the legislature, except as hereinafter provided.

Persons entitled to vote

8. *And be it enacted*, That every person who would be entitled by the law of this state to vote at an election for members of the legislature, if held on that day, and who is at the time an actual resident of the ward in which he offers to vote, shall be entitled to vote at such election in the ward in which he resides, but not elsewhere, for all or any of the officers to be chosen at such election.

Duties of board of canvassers.

9. *And be it enacted*, That immediately after closing the polls at every city election, the board of election, in each ward, shall count the votes given for the several candidates, and make a certificate thereof under their hands, and on the second day after said election, the judge of election in each ward shall deliver the same to the city clerk; the said judges shall constitute a board of canvassers of said election, and shall meet at the city clerk's office at two o'clock in the afternoon of said day, and a major part of said judges being present, shall proceed to make a statement of the result of said election, as shown by said certificates, which shall be signed by said board and attested by the city clerk, who shall be the clerk of said board, and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for respectively; and the city clerk shall file the original certificates from the wards in his office, and lay the statement made by the board of canvassers before the common council at their first meeting thereafter, and the same shall be by them filed in said clerk's office; and the said clerk shall immediately send a notice of his election to each of the persons so elected; and if at any election for officers authorised by this act, any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such office shall be deemed to be vacant, and shall be filled as hereinafter directed.

Who eligible

10. *And be it enacted*, That no person shall be eligible to any office at any such election, unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any ward, unless he shall then be an elector and resident of such ward; and when any officer elected at any such election shall cease to reside in said city, or, if elected for any ward, shall cease to reside in such ward, his office shall thereby become vacant.

11. *And be it enacted*, That the term of office of the cho-

sen freeholders and justices of the peace of the several wards of 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 city election, as herein provided, shall commence on the third Monday of April of each year. Term of office when to commence

12. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor, or member of the common council, by refusal or neglect of such officer to take the oath of office within the time required by law, by his death, resignation, 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 may appoint a special election to be held in the several wards of said city, or in the ward in which such vacancy shall have occurred, 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 city 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. Vacancies how supplied.

13. *And be it enacted*, That if at any annual city election in said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for, for said office, is intended, shall be designated on the ballot; and if any person who shall be elected to any office at the annual city election shall not qualify, according to law, for the space of twenty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify according to law, for the space of twenty days after such election or appointment, his office shall be deemed vacant. Of vacancies

14. *And be it enacted*, That in case of death, resignation, inability, disqualification, removal from office, neglect, or refusal to act, or removal out of the city, or ward, of any of the officers thereof, or any vacancy in any office (except mayor, councilman, or justices of the peace), it shall be lawful for the common council to appoint others in their stead until the next city election, or, in the case of appointed officers, until the regular period for appointment, who shall during the said time perform the like services, be entitled to the same fees and be subject to the same responsibilities Of vacancies

as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

Time of holding elections for county officers, &c.

15. *And be it enacted*, That all elections hereafter to be held in the said city for officers of the county of Mercer, and for members of congress and electors of president and vice president of the United States, or for any officer or officers of the state or general governments, shall be held in the several wards of the said city, at the places therein appointed by the common council for holding the city elections, on the day or days which now are or hereafter may be designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of this state; and the judges and inspectors in the several wards shall preside at and conduct all such elections; and the clerks of said ward shall be clerks of such elections in their respective wards; every person in said city entitled to vote at such election shall vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and such elections shall be conducted according to the laws of this state regulating elections.

Elections how conducted.

16. *And be it enacted*, That the said judges and inspectors of election shall take the same oaths, and conduct such elections and make returns thereof, except as hereinbefore provided in reference to the annual city election, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation and perform the same duties and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency or refusal to serve of any of the said officers of elections at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state, and the clerks of the said wards, 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 for neglecting to procure such boxes and keeping them in repair.

17. *And be it enacted*, That the common council, by a ma-

jority of the whole number of members, shall appoint annually a city clerk, a city surveyor, a clerk of the market, a city marshal, a city solicitor, a street commissioner, a sealer of weights and measures and two police justices, and such other subordinate officers not herein named as they shall deem necessary for the better ordering and governing the said city and carrying into effect the powers and duties conferred and imposed upon the said common council by this act. Officers appointed by council.

18. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council shall, before he enters upon the duties of such office, take and subscribe before the mayor or city clerk an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this state; all such oaths or affirmations shall be filed by the city clerk in his office; the city treasurer, superintendent of schools, receiver of taxes, clerk of the market, constables, and such other officers as the common council may require, shall also before entering upon their duties, each give bond to the city in its corporate name, in such sum and with such sureties as the common council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if, at any time, the common council shall deem the sureties of any such officer insufficient, they shall require him to give additional security. Oath to be made.

19. *And be it enacted*, That any city or ward officer may be removed from office by resolution of the common council for malfeasance, nonfeasance, disability or other good cause shown upon complaint in writing to the common council, setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the common council shall vote for such removal; *and provided further*, that police officers may be removed in such manner as shall be prescribed by ordinance of common council. Removals how to be made. Proviso. Proviso.

TITLE THIRD.

POWERS AND DUTIES OF THE COMMON COUNCIL.

President to be elected by council.

20. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judge of the election returns and qualifications of its own members, keep a journal of its own proceedings, and may punish or expel a member for disorderly conduct, or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceeding, and an opportunity to be heard in his defence; and the first meeting of the common council after the annual election shall be held on the third Monday in April of every year.

City clerk.

21. *And be it enacted*, That the city clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of the common council and shall perform such other duties as may be prescribed for him.

Quorum.

22. *And be it enacted*, That a majority of the whole number of members of the common council shall constitute a quorum for the transaction of business; but a smaller number may adjourn from time to time, and compel the attendance of absent members; the president of the common council shall be authorized to call special meetings of the common council when the public good shall, in his opinion, render it necessary; and on the request of three members of the common council, in writing addressed to the president, it shall be his duty, or, in his absence, it shall be the duty of the city clerk, to call a special meeting.

Ordinances to be approved.

23. *And be it enacted*, That no ordinance shall be passed or repealed by the common council, except with the concurrence of a majority of all the members of the common council, and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read three times before its final passage, and no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced; but each and every ordinance so passed as aforesaid shall be published for five days in two or more of the daily newspapers printed and published in said city before

the same shall take effect; *and provided*, that whenever the common council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in a newspaper. Proviso.

24. *And be it enacted*, That the enacting clause of all ordinances shall be "The Inhabitants of the City of Trenton do Ordain." Enacting clause.

25. *And be it enacted*, That the common council shall have power within the said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes: Ordinances how may be repealed.

I. To manage regulate and control the finances and property, real and personal, of the city. Finances.

II. To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages. To preserve public peace.

III. To restrain and suppress disorderly and gaming houses and houses of ill fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices. Gaming houses, &c.

IV. To license and regulate restaurants, victualing-houses or cellars, ale and lager beer saloons or gardens, billiard tables and bowling alleys, and to prohibit the keeping the same except by persons duly licensed. Victualling houses.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the city treasurer. Public performance.

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said city, and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys. Boundaries of streets.

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes and alleys, bridges, wharves and docks in said city, and to prevent and remove obstructions and incumbrances in and upon all streets, highways sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water courses, wharves or docks in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway or alley in said city, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes or any other purpose whatever, and to prohibit Regulation of streets

and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of the city, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon.

Paving streets, &c.

VIII. To widen, level, grade, flag or re-flag, curb or recurb, gutter or re-gutter, pave or re-pave, or gravel the sidewalks and gutters in any street, avenue, highway, or section or sections thereof, to prescribe the manner in which any such work shall be performed, and the mode in which the expense thereof shall be ascertained, and to cause such expense to be assessed on the adjoining lots, whether improved or unimproved, and to determine the time in which such assessment shall be collected.

Draining.

IX. To direct the digging down, draining, filling up, or fencing of lots, pieces or parcels of ground, in said city, which shall be deemed dangerous or unwholesome, or necessary to carry out any improvement authorized by this act, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected.

To prevent the erection of stoops.

X. To prevent or regulate the erection of any stoop, step, platform, bay-window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over, or upon any street, or avenue, and to remove the same, where already erected, at the expense of the owner or occupant of the premises.

To prevent immoderate driving.

XI. To prevent and punish horse racings, and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city, and designate the crossings at which any railroad company shall be required by the common council to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars.

Cattle.

XII. To prohibit the driving any drove or droves of cattle through any of the streets of the city on the first day of the

week commonly called Sunday, and to regulate the same at other times.

XIII. To regulate, protect, and improve the parks, public burial grounds, and other public grounds in said city. Public grounds.

XIV. To provide lamp and gas fixtures, and to light the streets, parks, and public places of every description in said city. Lamps, &c.

XV. To make and regulate wells, pumps, aqueducts and cisterns in the public streets. Acqueducts, &c.

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding, and sale. Pounds.

XVII. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs. Dogs.

XVIII. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without licenses. Markets.

XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw, and other articles from wagons or other vehicles. Sale of hay

XX. To regulate or 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 prevent annoyances.

XXI. To restrain and punish drunkards, vagrants, mendicants and street beggars.

XXII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city. Board of health.

XXIII. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed. Contracts.

XXIV. To abate or remove nuisances of every kind; and to require the owner or occupant of any grocery, cellar, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hogpen, sewer, or other offensive or unwholesome house or place, lot or enclosure; to cleanse, remove, or abate the same; or, in a summary manner to cause the Nuisances.

same to be done at the expense of the owner or occupant thereof.

Burial of the dead.

XXV. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city, as the health, quiet, and good order of the city may in their opinion require.

Cartmen, porters, &c.

XXVI. To license and regulate cartmen, porters, hack, cab, omnibus, milk-wagon, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, auctioneers, common criers, hawkers, pedlers, pawnbrokers, junk-shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities.

Ringing of bells.

XXVII. To regulate the ringing of bells and the crying of goods, and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Bathing.

XXVIII. To regulate or prohibit swimming or bathing in the waters of or bounding the city.

Weights and measures.

XXIX. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection.

Police.

XXX. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.

Fire Department.

XXXI. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation, to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires.

Regulate the manner of building houses, &c.

XXXII. To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store,

stable, or other building of wood or other combustible material; to regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens, or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer or person or persons whom they may designate for that purpose to enter upon and inspect any place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale, or use of fireworks, and the use of firearms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit gas, petroleum and other dangerous materials, and the use of candles and lights in barns, stables, and other buildings; to raze or demolish any building or erection which, by reason of fire, contagion, or any cause, may become dangerous to human life or health, or tend to extend a conflagration; to require all such further or other acts to be done and to regulate and prohibit the doing all such further or other acts as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city.

Taxes. XXXIII. To adopt all legal and requisite measures for levying and collecting the taxes.

To define duties of officers. XXXIV. To prescribe and define the duties of city and ward officers, where not otherwise prescribed by law, and their compensation and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law.

Compensation of officers. XXXV. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them for any service required of him by this act, or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided to be paid by the person or persons for whom such service shall be performed.

Council may make ordinances. 26. *And be it enacted*, That the common council shall have power to make and establish such other ordinances, rules, regulations and by-laws, 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 on them by this act or by any other law of this state; and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants, and the same to alter, modify, amend and repeal.

Penalties for violation of ordinances.

27. *And be it enacted*, That in all cases where by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof either by imprisonment in the county jail not exceeding ten days, or by fine not exceeding one hundred dollars; the book of records of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; and further, the volume of ordinances and by-laws printed and published by authority of the common council, shall in like manner, be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspapers according to law shall, in all cases, be presumed to have been made, until the contrary be proved.

City Hall.

28. *And be it enacted*, That the common council shall have power to build and maintain a city hall and such other buildings as they may deem necessary for the accommodation of the city officers and the day and night police of the said city.

Council may establish work houses.

29. *And be it enacted*, That the common council shall have power to build, establish, keep and maintain one or more workhouse or workhouses, and one or more alms-house or alms-houses for the relief of the poor; and the said common council shall have power by their ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and 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, management and direction of the said common council, and of the overseer of the poor and such other officers as they shall for that purpose constitute and appoint; and the overseer of the poor 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.

Licences to keep inns and taverns.

30. *And be it enacted*, That the sole and exclusive power to grant licenses to persons to keep inns and taverns within said city shall be vested in the common council on such terms and under such limitations, regulations and restrictions as the said common council shall by their ordinance impose.

Council may borrow money.

31. *And be it enacted*, That the common council shall have power to borrow money from time to time for all purposes for which they are authorized to raise money by tax by this act, not exceeding, at any one time, in the whole, the sum of fifty thousand dollars, and to secure the payment thereof by bond or other instrument, under the common seal of the city and the signature of the mayor and treasurer, and to provide by tax for the payment thereof; *provided*, that all such loans shall be authorized by an ordinance of said common council which ordinance shall distinctly specify and provide the object or objects for which said loan is authorized, the ways and means, exclusive of loans, to pay the principal of such loans within ten years from the time of the contracting of the debt, and also the interest of such loan annually, which ordinance shall be irrepealable until such debt be paid; *and provided* such bonds or other instruments shall not be disposed of at less than their par value; *and provided further*, that nothing herein contained shall be considered as affecting the power of the common council to borrow money for the purposes of the Trenton water works as now authorized by law.

Proviso.

Proviso.

Proviso.

TITLE FOURTH.

OF THE POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCEMENT OF THE ORDINANCES.

Mayor to enforce laws and ordinances.

32. *And be it enacted*, That it shall be the duty of the mayor to keep the corporate seal of the city, to cause the laws and ordinances to be duly executed and enforced, and to exercise a supervision over the official acts of the subordinate officers of the city, and to report any dereliction of duty to the common council; and generally to perform all such duties as may be required of him by law, or the ordinances of said city; he may, under the direction of the common council offer rewards for the detection or apprehen-

sion of the perpetrator of any offences against the city ordinances, or of any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

Mayor to have powers of police justice, &c.

33. *And be it enacted*, That the mayor is hereby invested with all the powers and duties which any police justice of the 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 commit the offender for a hearing without the issuing of any warrant or process; and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, he shall have control of the marshals, constables, watchmen and other police force of said city, and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper to call out the militia of the said city, and employ the same in quelling any insurrection, riot or disturbance of the peace.

Vacancy in the office of mayor how supplied.

34. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness or other cause from attending to the duties of his office, the president of the common council, or if he be absent or disabled, the president to be elected pro tempore shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office caused by the absence or disability of the mayor.

Duties and powers of chosen freeholders.

35. *And be it enacted*, That the chosen freeholders, commissioners of appeal in cases of taxation, school superintendent, overseer of the poor, constables and city clerk, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state so far as such powers and duties shall be consistent with the provisions of this act; and that the receiver of taxes shall possess the powers and perform the duties of collectors of the several townships so far as such powers and duties shall be consistent with the provisions of this act; the assessor and judge and inspectors of election of each of the wards of said city shall respectively possess the powers and perform the duties of the like officers of any township of this state to the same extent and in the same mnnner in all respects as if each of the wards of said city was constituted a separate township of the county of Mercer, so far as such powers and duties shall be consistent with the provisions of this act.

36. *And be it enacted*, That the receiver of taxes shall have

the power to appoint, with the consent of the common council, one or more deputies, 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, the said deputy or deputies to give such security for the faithful performance of their respective offices as the common council shall direct. Receiver may appoint deputies.

37. *And be it enacted*, That the office of the said receiver of taxes shall be kept in the city hall in said city, and he or such deputy as he shall appoint shall sit at such times and places in said city for the receipt of taxes as the common council shall direct; and it shall be the special duty of the said receiver of taxes to receive all taxes which may be paid, and preserve in his office the assessment books, which shall from time to time be delivered to him by the assessors of the different wards of said city, as prescribed by this act.

38. *And be it enacted*, That the said receiver of taxes shall enter in suitable books to be kept for that purpose the sums received by him for taxes respectively, and the ward for which received, with the names of the persons on whose account the same shall be paid on each day, and shall at least twice in each week furnish to the treasurer a detailed statement of such sums, designating the amounts received and from which ward, and shall also at the same time pay over to the said treasurer the amount so received, and shall also pay over to the treasurer once in each week the sums collected on any warrant to him directed; he shall thereupon receive from the said treasurer a voucher for the payment of such sum or sums, which he shall file in the office of the city clerk to be presented to the common council. Receiver of taxes to make statement.

39. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law or by any ordinance or resolution of the common council; the said treasurer shall at the close of the fiscal year make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said account Duties of treasurer.

to the city clerk, who shall lay the same before the common council at their next meeting; and if upon examination it shall be found correct it shall be filed in the office of the city clerk; and it shall be the duty of the said treasurer to cause a statement of the moneys received by tax, loan or otherwise, and of the expenditure of the same, to be published in one or more newspapers printed and published in said city at least ten days before the annual city election; the fiscal year shall commence on the first day of March in each and every year.

Duties of city clerk

40. *And be it enacted*, That the city clerk shall keep all the records, books, papers and documents of the city, countersign all licenses signed by the mayor, and keep the record of the proceedings of the common council; he shall engross all the ordinances of the common council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president, or president pro tempore of the common council and said clerk; and copies of all papers, duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him, under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law, ordinance or usage are paid to the city clerk.

Powers of officers.

41. *And be it enacted*, That the street commissioner, city surveyor, city solicitor, clerk of the market, city marshal, city sealer of weights and measures, and all other officers appointed by the common council, shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinances, by-laws, rules and regulations of the common council, and on application for that purpose, the secretary of state of this state shall allow and assist the said city sealer of weights and measures to compare and adjust the standard of weights and measures for said city, and shall certify and seal the same in the manner required by "An act to establish a uniform standard of weights and measures in this state."

Street commissioner, surveyor &c

42. *And be it enacted*, That the city surveyor and the street commissioner shall have the same power, and perform the same duties, and receive the like fees as members of the township committee of the townships of this state under

"An act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine, and the supplements thereto.

Powers of police justices.

43. *And be it enacted*, That every police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the city of Trenton, as the justice of the peace in and for the several counties of this state are or may be by law entitled to use and exercise, and that any two of said police justices 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.

Proceedings before police justices prescribed.

44. *And be it enacted*, That unless when otherwise directed all actions or proceedings before any police justice 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 an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by every police justice in and for the said city of Trenton, 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.

May issue process for breach of ordinances.

45. *And be it enacted*, That every police justice 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 the said city to issue a process, either in the nature of a warrant or a summons 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 five or more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, the time when and in what manner the same has been violated; and that on return of such process, or at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the justice shall, if the defendant or defendants be adjudged before him to be guilty of such violation, forthwith issue execution against the goods and chattels and person of the defendant or defendants for the amount of fine imposed with costs, or shall commit said defendant or defendants to the

county jail, if judgment of imprisonment shall have been pronounced and given by said justice for such violation.

Duty of the jail keeper.

46. *And be it enacted*, That it shall be the duty of the keeper of the jail of the county of Mercer, to receive and safely keep every person who shall have been committed by the mayor or police justices of said city, to said county jail, under the authority of the last preceding section, and of any ordinance of said city.

Marshall and police to have powers of constables

47. *And be it enacted*, That the city marshal, marshals and policemen appointed by the common council shall, in addition to the authority conferred upon them by the ordinances, by-laws, rules and regulations of common council, possess and have all the powers of constables within the city limits, for the purpose of preserving the peace and enforcing the ordinances of the city; and may make arrests on witnessing the violation of any of the ordinances of the city, and confine the offender in the city jail until a hearing can be had.

TITLE FIFTH.

OF THE PUBLIC SCHOOLS OF THE CITY.

School superintendent and trustees to prepare estimate of moneys necessary for public schools.

48. *And be it enacted*, That the superintendent and trustees of public schools of the city of Trenton as now incorporated by law, shall prepare and transmit to the common council of the city of Trenton, on or before the first day of May 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 said common council shall determine by resolution the amount of money to be appropriated to public schools during the year, including therein the quota of the city of Trenton of the annual appropriation made by the state for the support of public schools; and the said 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 corporation for the support of public schools in the city of Trenton, according to the provisions of their act of incorporation; and when-

ever the said superintendent and trustees shall, with their annual estimate aforesaid, represent to the common council that it is expedient to purchase land and erect a school house thereon, with the estimated cost thereof, common council shall have the power to raise the whole or any part of the money required for such purpose, either by tax to be included in the next general assessment for city purposes, or by loan on the credit of the said city; and when collected or borrowed it shall be paid over to the superintendent of public schools, to be applied for the object aforesaid.

To make report.

49. *And be it enacted*, That the said superintendent and trustees 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 expenditures of said board during the year under the respective heads of repairs of school houses, salaries of teachers, school books, school furniture, 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.

Treasurer to pay over monies for school purposes

50. *And be it enacted*, That the city treasurer shall, in each year, pay over to the said school superintendent, such sum of money as the common council may have ordered to be raised by tax for the support of public schools in said city.

Duties of assessors

51. *And be it enacted*, That it shall be the duty of the assessors of the several wards of the city of Trenton, and they are 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 said wards 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 proper certificate, on or before the first day of October, annually, to the superintendent of public schools of the city of Trenton; and the number of children in said lists shall be duly certified by the superintendent and trustees of public schools to the board of chosen freeholders of the county of Mercer, at their annual meeting next succeeding the return of said lists aforesaid, and the quota of the city of Trenton 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 the said board according to the provisions of an act entitled "An act to establish public schools" and the supplements thereto; and the sum of two dollars for every one hundred names of children contained in said lists, respectively, shall be allowed to the assessors duly making and transmitting the same, to be paid by the said superintendent and trustees of public schools of the city of Trenton.

TITLE SIXTH.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Taxes for

52. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, for the following purposes:

Lighting streets.

I. For lighting the streets of the city.

Support of poor.

II. For the maintenance and support of the poor.

Streets, &c.

III. For regulating, cleaning and keeping in repair the streets and highways, and the construction of cross-walks.

Public grounds.

IV. For regulating, improving and protecting the public grounds and parks.

Schools.

V. For the support of public schools and for erecting and maintaining school houses.

Police.

VI. For the support of the police department.

Fire depa tment.

VII. For the support of the fire department.

Water.

VIII. For supplying the city with water for the extinguishment of fires and other purposes.

Markets.

IX. For the support of public markets.

Interest money.

X. For the payment of the interest upon the city debt, and upon temporary loans, and such part of the principal thereof as may be due and payable.

XI. For purchasing necessary real estate.

Contingent expenses.

XII. For contingent expenses of the city; and for all other objects and purposes authorized by this act, to be assessed and collected in such manner as the common council shall by ordinance direct; *provided always*, that it shall not be lawful for the common council to raise by taxation in any one year, in the general assessment for city purposes, an amount of money that shall cause a greater rate than one hundred cents on the one hundred dollars of the valuation of the real and personal estate of the citizens.

Proviso.

Assessments.

53. *And be it enacted*, That in all cases where the state and

county taxes to be collected in said city in any year shall be directed by the common council to be assessed and collected before the quota of the said taxes to be levied and collected in the said city for such year shall be fixed as prescribed by law, it shall be the duty of the assessors of the several wards of said city in making their assessments to assess the amount of taxes fixed as the quota of the said city for the last preceding year; and in case of any deficiency in the amount of taxes so assessed it shall be the duty of the common council to direct the amount of such deficiency, to be added to the amount required, to be assessed and levied for the next year; *provided*, that nothing herein contained shall be construed to relieve the said city from the obligation imposed by law to pay the amount of state and county taxes required to be levied and collected in the said city in each year; *and provided also*, that the city treasurer shall pay over to the county collector of the county of Mercer the proportion of state and county taxes directed to be assessed and levied in said city at the time prescribed by law, or at any time previous thereto, as the common council shall direct, and under the penalties that are or may be prescribed by law in regard to the collectors of the several townships of this state. Proviso. Proviso.

54. *And be it enacted*, That it shall be the duty of the common council to have, renewed from time to time, the city atlas, as now provided and regulated by law and the alterations which have been made therein, shall be incorporated into such renewals thereof, whenever the common council shall deem it expedient; the said city atlas, and all renewals thereof, shall be deemed public records of the said city. Of city atlas.

55. *And be it enacted*, That the city surveyor shall have the custody of the city atlas, and he shall also keep a book in which he shall register the names of the several lot owners, and specify the lots owned by them respectively, as far as he can ascertain the same; and whenever thereafter, the owner of any lot shall sell, the same or any part thereof, the purchaser shall within thirty days thereafter, under such penalty for neglect or refusal, as common council may by ordinance prescribe, present the deed of conveyance thereof to the city surveyor, who shall record in said register the date thereof, and the name of the persons by and to whom the said conveyance was made; and when part of a lot plotted on said atlas shall have been conveyed, it shall be the duty of the city surveyor to mark on said map in different colored ink, the part so conveyed, and to enter into his register Duties of city surveyor.

the name of the grantee of each part; it shall be the duty of the common council to fix by ordinance the fees which the city surveyor shall be entitled to receive from the persons applying to him for his services under this section.

Freeholders how elected.

56. *And be it enacted*, That it shall be the duty of the common council, in the month of January, in every third year, to elect by a majority of the votes of all the members of the common council, three judicious freeholders of said city, whose duty it shall be, within two months after their election, to affix to each lot and each subdivision thereof, as the same stands recorded on the city atlas, distinguishing the same by their marks or numbers, the fair value of each lot or subdivision; when they shall have completed such valuation, they shall enter the same in a book provided for that purpose, showing the valuation affixed by them to each lot on the city atlas, and distinguishing each lot so valued by its mark or number on said atlas; the said appraisers shall then deposit said valuation and register with the city surveyor for the inspection of all persons interested; and shall give notice thereof for two weeks in the daily newspapers printed in said city, in which notice they shall set a time and place at which they will attend and hear the objection any person may desire to make to any part of said valuation; after hearing said objections and altering such parts of said valuation as they may deem proper, said appraisers shall affix their names to the said valuation and deposit the same with the city surveyor for safe keeping; the said appraisers before entering upon the discharge of the duties imposed upon them hereby, shall be duly sworn or affirmed by the mayor of said city, faithfully and impartially to execute the duties imposed on them by law, and shall be entitled to such compensation for their services as the common council shall prescribe;

Proviso.

provided, that the valuation made in the year eighteen hundred and sixty-five shall remain until the next triennial valuation.

57. *And be it enacted*, That the valuation so made shall be adopted by the assessors of the several wards in valuing the real estate of the city for the assessment of taxes, until the next triennial valuation; but if, after such valuation, any sub-division shall be made of any lot and such sub-division shall be marked on the city atlas as aforesaid, said sub-division shall be assessed separately, and shall be valued for so much of the valuation of the whole lot as its proportional value bears to the valuation of the remainder of the lot, to

be determined by the assessor unless the parties to the conveyance shall have filed, in writing, with the city surveyor, an agreement fixing the proportion of the tax which said sub-division shall pay until the next triennial valuation; *and provided*, that if, after such valuation, any building or addition shall be erected on any lot, it shall be the duty of the assessors of the several wards to assess the same, and add such assessment to the valuation of said lot; *and provided further*, that if the building shall be destroyed it shall be the duty of the assessor to deduct the proportionate valuation of said building. Proviso. Proviso.

58. *And be it enacted*, That the assessors of the several wards of the said city shall so arrange their duplicates as to specify therein, by their letters and numbers in the city atlas, the several lots or sub-divisions of lots assessed, with the valuation thereof, the amount assessed thereon, and the name of the owner thereof, as shown by the register kept by the city surveyor, to the end that each lot and the amount assessed upon it may be clearly ascertained and identified; and all assessments for taxes shall be made upon the lots and sub-divisions as they appear at the time upon the city atlas, and each lot or sub-division shall be liable for the whole tax assessed thereon; but if any part shall have been sold, and such transfer not entered on said atlas and register as aforesaid the person who shall have paid the tax assessed thereon, shall have the right to recover from the other parties interested their proportion of said tax, in proportion to the value of the several parts thereof. Duties of assessors.

59. *And be it enacted*, That all taxes which may be hereafter assessed upon any lands, tenements and real estate in said city shall be and remain a lien thereon for the amount of such tax, with interest thereon and all costs and fees, for the space of two years from the date of the tax warrant, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or incumbrance thereon; and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands, tenements or real estate, and any assessment of taxes in which such mistake or omission occurs shall be valid and effectual in law. Assessments to be a lien.

60. *And be it enacted*, That all taxes hereafter assessed in said city shall be charged with interest at the rate of twelve per centum per annum from and after the day on which they shall be returned by the receiver of taxes as delinquents. Interest on unpaid assessments.

Compensation of assessors.

61. *And be it enacted*, That the ward assessors of said city shall assess in their respective wards, in one and the same duplicate, all the state, county and city taxes to be levied in said city in each year, and the ward assessors shall assess the said taxes, and the receiver of taxes shall demand payment at such times as the common council may from time to time direct, of the tax or sum assessed on each individual named in the assessment books, in person or by notice left at his or her place of residence, and also give notice of the time and place of meeting of the commissioners of appeal; and the said assessors and receiver of taxes shall, for performing the duties required of them by law and the city ordinances, be entitled to receive such compensation as the common council may by ordinance direct.

List of delinquent tax payers to be made out.

62. *And be it enacted*, That in case of the non-payment of taxes, at the time appointed for the payment thereof, it shall be the duty of the receiver of taxes at such time as the common council may by ordinance direct, to return the names of all delinquents in the several wards, with the sums due from them respectively, and a statement of all the lots or subdivisions of lots against which taxes may have been assessed and remain uncollected by him in the several wards, identifying such lots or subdivisions by their marks or numbers on the city atlas, with the name of the reputed owner thereof, and the amount assessed thereon, to such justice of the peace in said city as the common council may from time to time appoint; and that it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof, to administer to the receiver of taxes returning the same, the oath prescribed by the thirteenth section of the act entitled "An act concerning taxes," and to issue his warrant directed to the receiver of taxes of the city of Trenton, as required by law, and thereby command the said receiver of taxes to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees to be levied and made as prescribed by the eighteenth section of the "Act concerning taxes" aforesaid.

Receiver of taxes to pay over money to treasurer.

63. *And be it enacted*, That it shall be the duty of the said receiver of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid; to pay over, from time to time, at least once in each week, without delay, all moneys received by him, to the treasurer of said city; and within sixty days

from the date of any warrant directed and delivered to him, to make a full return and statement in writing to the common council of the said city, of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums remaining unpaid, and the names of the several persons then in arrears, and the sums due from each respectively; *provided*, that it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office, or other disability, for any other justice of the peace residing in said city, to be appointed by the common council, upon return of any warrant, to issue another for the collection of the sum or sums remaining unpaid, with interest, costs and fees, in like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected. Proviso.

64. *And be it enacted*, That if the full amount of any tax assessed upon or against any lot or sub-division of a lot within the limits of said city, with the interest and costs, shall not be paid and satisfied before the first day of January, in each and every year, it shall be the duty of "the receiver of taxes," within one week thereafter, to prepare a transcript of such unpaid taxes, including in such transcript the names of the owners, if any be given, of such lands and real estate, the description thereof and the amount of taxes thereon respectively, and enter the same in a book to be kept for that purpose; and the said receiver of taxes may in such transcript, correct any errors of description in such returns and statements, by comparing the same with the original assessment of taxes made by the assessors of the several wards respectively; and immediately after completing such transcript, he shall cause a notice to be published in a newspaper printed and published or circulating in said city, stating that said transcript of unpaid taxes has been made, and that unless said taxes shall be paid at his office within twenty days after the first publication of said notice, the same will be collected by public sale according to law. Receiver to prepare a transcript of unpaid taxes

65. *And be it enacted*, That after the expiration of the said twenty days, the receiver of taxes shall give public notice of his intention to collect the taxes mentioned in said transcript then remaining unpaid, by public sale at auction of the land and real estate whereon said taxes were imposed, which notice shall embrace the names of the owners, if any be given, of such land and real estate, the description thereof, by its mark or number on the city atlas, the amount of taxes Receiver to sell lands for unpaid taxes

unpaid, with interest and costs due thereon respectively, and shall designate the time and place of sale, and be signed by said receiver of taxes, and be printed in a newspaper or newspapers published and circulated in said city, once in each week, for four weeks before the time appointed for such sale; and if any tax remains unpaid on the day specified in such notice, the said receiver shall proceed to sell by public auction, at the time and place appointed therein, the lots and real estate on which said tax shall have been imposed, or may be a lien, for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same and pay the amount of such tax with the interest thereon, and all costs, fees, charges and expenses; such payment shall be made before the conclusion of the sale, and if not so made, the receiver may resell the property; the sale may be adjourned from time to time until the lots and real estate are disposed of, and such as are not bid for when offered for sale, or for resale as aforesaid, shall be struck off to the city for the term of fifty years; *provided*, that the advertisement of any adjourned sale shall be in general terms, and shall not embrace the detailed description required in the original advertisement of such sale; a certificate of the sale of each lot or sub-division of a lot, sold as aforesaid, shall be made, within ten days thereafter, by the receiver of taxes and delivered to the purchaser; such certificate shall contain a description of the property by its number or mark on the city atlas, and the term for which it was sold, and state the particular tax, the amount thereof, with interest and expenses, for which the sale was made, and the time when the right to redeem will expire, and the terms upon which the same may be redeemed; and the receiver of taxes shall enter and record in his office his proceedings upon such sales and all sales made, and certificates granted by him, and all redemptions of property sold by him.

Proviso.

Certificate of sale to be recorded.

66. *And be it enacted*, That every certificate of sale shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the city clerk in proper books kept for that purpose, and shall constitute a lien upon the lots or sub-divisions of lots and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands and real estate for any taxes, shall have any effect until the same shall be recorded as aforesaid, in the office of the city clerk; a declaration of sale shall not be executed and delivered

until the certificate has been cancelled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

Certificate of sale assignable.

67. *And be it enacted*, That if the city becomes the purchaser of any lot or sub-division of a lot upon any such sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale shall apply to the city as to any other purchaser.

Mortgagee not to be divested of rights.

68. *And be it enacted*, That no mortgagee whose mortgage shall have been duly recorded before sale, for any tax, shall be divested of his rights in such property, unless six months' notice in writing, of such sale shall have been given to him by the purchaser or by any person or persons claiming, under him, personally, if a resident of the city of Trenton, and if not such a resident, then upon the owner of the premises, if he be a resident of the city of Trenton, and by depositing such notice in the post office of said city, directed to the said mortgagee at his place of residence, as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale; within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the city clerk a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom such affidavit shall be taken to be a creditable person, proving the due service of the said notice.

Owners may redeem lands.

69. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any land or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the time of such sale by paying to the city treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money, together with any other tax or assessment chargeable thereon, and which the said purchaser may have paid, and any sum of money expended in any improvement made by order of the common council; *provided*, a notice of such payment has been filed in the office of the city treasurer, with interest on such purchase money at the rate of fifteen per centum per annum from the time of such sale and expenditure, and on such payment or payments, from the time of filing such notice aforesaid; and the certificate of such treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of

Proviso.

such redemption; upon the receipt of such moneys by the city treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine; if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lot and real estate redeemed by him, by virtue of this act, for the amount paid by him to the city treasurer to effect such redemption, with the legal interest which may thereafter accrue thereon, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner.

Declaration of sale to be executed if property is not redeemed.

70. *And be it enacted*, That if any lot or sub-division of a lot so sold, shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representatives or assigns, at his or their expense, a declaration of sale under the common seal, signed by the mayor, and attested by the city clerk, containing a description of the premises by its mark or number on the city atlas, the fact of the assessment, advertisement and sale, the date of the sale, and the period for which the premises were sold; which declaration shall be recorded in the office of the county clerk, and until the same shall have been so recorded, such lots and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act; and such purchaser or purchasers, and his and their legal representatives shall by virtue thereof, lawfully hold and enjoy such lots and real estate with the rents, issues, and profits thereof, for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same, and at the expiration of the said term, shall be at liberty to remove all the buildings or materials, which he or they shall erect or place therein, and shall peaceably and quietly yield up such lots and real estate to the lawful owner or owners thereof, in as good order and condition as they were at the beginning thereof, natural wear and tear, and damages by the elements excepted, and shall pay all taxes which shall be legally assessed thereon during said term; *provided*, that whenever satisfactory evidence shall be produced to the common council, that any lot so sold be-

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longs to an idiot, lunatic or infant for whose estate no guardian shall have been appointed, they shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lot, until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee of their estate appointed; and, until the expiration of said four months, such guardian or trustee, or person whose disability has been removed, may redeem such real estate as hereinbefore provided.

Record of certificates of sale to be kept.

71. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose, all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person or persons applying for the same, and to cancel such certificates of sale and assignments thereof so recorded, when the lots and real estate for which they were given shall be redeemed on certificates of the treasurer of such redemption, and to file such certificates in his office; it shall be the duty of the treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

Meeting of commissioners of appeal.

72. *And be it enacted*, That the commissioners of appeal in cases of taxation of the several wards of said city, shall meet at such time and place, and upon such notice as the common council shall direct and appoint, and when so met, shall have power and authority to hear and determine all complaints of unjust taxation, whether the same be assessed for state, county or city purposes, in the same manner as the like officers of the townships of this state are authorized and required to do; *provided*, that the said commissioners of appeal shall not have power to increase or diminish the valuation which may have been set upon any lot, or sub-division of lot, within the limits of the said city, by the appraisers appointed for that purpose as hereinbefore provided; the said commissioners shall organize as a board by choosing a chairman from among their own number, and a secretary, and all their transactions shall be faithfully entered in a book of minutes to be kept by the secretary, and immediately after the adjournment of said commissioners, they shall cause the said record of their proceedings, signed by the chairman and secretary, to be deposited with the receiver of taxes.

Proviso.

TITLE SEVENTH.

OF STREETS, HIGHWAYS, SEWERS, SIDEWALKS, AND ASSESSMENTS THEREFOR.

73. *And be it enacted*, That it shall be lawful for the common council of the city of Trenton, whenever in their opinion the public good requires it, by ordinance:

Laying out streets.

I. To lay out, accept and open any street, road, highway or alley, public park or square within said city; to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided; and such power shall belong exclusively to the said common council, and they 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 other legal proceedings.

Sewers and drains.

II. To order and cause sewers or drains to be constructed in any part of said city, and if necessary to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

Grading and paving.

III. To order and cause any street or section of a street to be graded, graveled, paved, flagged or otherwise improved and regulated in such manner as they may deem advisable at the expense of the owner of lands and real estate on the line of said street or section of a street.

Notice to be given of intended improvments.

74. *And be it enacted*, That no ordinance shall be adopted by the common council for making any improvement or performing any work, under and by virtue of the provisions of the last preceding section of this act, or either of the subdivisions thereof, or under and by virtue of sub-divisions eight and nine of section twenty-five of this act, until public notice shall be given of the intention of the common council to cause such improvement to be made, or such work to be done and performed, and to that end it shall be the duty of the city clerk, by direction of the common council,

to give notice in a daily newspaper published and circulated in the city of Trenton, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing, at the office of the city clerk, on or before the expiration of ten days from the date of such notice, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid.

Further proceedings under ordinance to be by resolution.

75. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement or performing any work, under and by virtue of the provisions of the seventy-third section of this act, or either of the sub-divisions thereof, all further acts and proceedings which it may be necessary for the said common council to take, to carry out said improvement or work to completion, and all orders relating thereto, shall be by resolution and not by ordinance.

Lands may be purchased for improvements.

76. *And be it enacted*, That whenever the common council shall determine by ordinance, to lay out and open any street, road, highway or alley, public park or square within said city, or to alter, widen or straighten any street, road, highway or alley or any part of a street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and for the purpose expressed in such ordinance; they may purchase such lands and real estate of the owner or owners thereof and make such compensation therefor as they shall judge reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the city, and such compensation shall constitute a part of the whole amount of costs, damages and expenses, to be assessed under and in pursuance of the provisions contained in this act.

Proceedings in case city and owners cannot agree.

77. *And be it enacted*, That when the said common council cannot agree with the owner or owners of such required lands or other real estate for the same, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, it shall be lawful for the mayor of said city, and he is hereby required, upon the application in writing of the said common council, signed by their presiding officer, which application shall specify the

street, road, highway or alley proposed to be laid out, altered or widened, with the alterations proposed to be made, or the sewer or drain to be made, and the land or other real estate, with the appurtenances intended to be taken for such purpose, to appoint under his hand and seal, three disinterested freeholders of the said city commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, altering or widening any such street, road, highway or alley, or making such drain or sewer; and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering or widening any such street, road, highway or alley, or making such sewer or drain; and it shall be the duty of the said commissioners, after estimating said damages, to assess the amount thereof, together with the sums which may have been agreed upon as the price of any of the lands or other real estate to be taken for such purpose as aforesaid, between the common council and any of the owners of such lands or other real estate, fairly and justly upon such lots or sub-divisions of lots, as in their opinion will be benefited by said improvement, specifying in such assessment such lots or sub-divisions of lots, by the letters and numbers by which they are distinguished on the city atlas, together with the name of the respective owner or owners thereof, and the amount assessed upon each lot; which said assessment shall be embraced in the report of the said commissioners hereinafter directed to be made.

Commissioners to take oath.

78. *And be it enacted*, That the said mayor, on making the appointment aforesaid, shall designate a time and place therein for the meeting of the said commissioners, not less than twenty days from the date of the said appointment, of which time and place the mayor shall give notice by advertisement in not more than two of the daily newspapers published and circulated in said city, at least ten days before the time of meeting; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before the mayor, or city clerk, fairly and impartially to execute the duties imposed upon them by this act, to meet at the time and place appointed, and proceed to view the said lands, or other real estate, with the appurtenances, and to make a just and true estimate and assess-

ment as aforesaid, and for this purpose the said commissioners shall have power to swear and examine witnesses and to adjourn from time to time, and shall report their proceedings to the said common council, with the assessment and appraisement aforesaid, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within thirty days after their first meeting as aforesaid, together with the said application and appointment, and oaths or affirmation of the said commissioners, with the clerk of said city, there to remain of record; and the clerk of said city shall lay said report before the common council at their next meeting thereafter, which report, or a copy thereof, certified by the said city clerk, shall at all times be considered as plenary evidence of the power of the common council to enter upon, take and use the said land or other real estate, with the appurtenances, the city treasurer first tendering to the owner or owners thereof, if resident in this state, the amount so awarded them; but if any such owner is not a resident of the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of such facts and file the same with the city clerk; and the common council shall, after inquiry into the facts of the case, cause the amount to be kept in the city treasury or invested on good security for the use of the person to whom it may be due, and the said moneys shall be paid by the city to the person or persons entitled thereto, on demand, with the interest collected on the same.

Proceedings in case owners will not accept amount of assessment of damages.

79. *And be it enacted*, That the common council of said city shall tax and allow such costs to the mayor, commissioners, clerk and other persons performing any service required in laying out, altering or widening any public street, road, highway or alley, or making any sewer or drain in said city as they may think reasonable and just, which shall be paid in the first instance by the common council, but which shall be added by the clerk of the city to the amount assessed by the commissioners against the several land owners benefitted by said improvement in proportion to the amount so assessed.

Compensation to mayor, &c.

80. *And be it enacted*, That it shall be the duty of the common council of said city, within one month after the presen-

Notice of assessment and costs to be served.

tation of the said report, to cause a notice of the proportion of said assessment and costs to be served upon every person, his or her guardian, or legal representatives against whom the same is made, and whose residence is in said city, and also to cause a like notice, directed to such of said persons as do not reside in said city, to be inserted in one or more of the newspapers of said city for the space of one month; and unless within two months from the presentation of said report, two-thirds of said persons, their guardians, or legal representatives, shall file with the city clerk their refusal, in writing, to agree to such assessment and costs, then the same shall be binding and conclusive on all parties, and shall from thence until paid, be due from said several persons, with interest, to said city, and be a lien on the several lots and sub-divisions of lots against which the same is assessed, for the satisfaction of any judgment to be obtained therefor, and the said "the inhabitants of the city of Trenton," may sue for and recover of each person so assessed his or her proportion of said assessment, with interest and costs, by an action of debt, in any court of competent jurisdiction, and if any of said persons reside out of this state, a writ of attachment may be resorted to, as in other cases of non-resident debtors, and the said proceedings of the said commissioners and common council shall be conclusive evidence against the defendants; but if, within two months, two-thirds of said persons, their guardians, or legal representatives, shall file with the city clerk such refusal, then no further proceedings to enforce the collection of said assessment shall be had.

Council may abandon proposed improvments.

81. *And be it enacted*, That the said common council may, at any time within four months from the presentation to them of said report, determine to abandon such proposed improvement; and upon their so determining, their right to take said land, and the right of the owners thereof to recover the valuation and damages assessed, shall cease and determine; but after such abandonment, it shall not be lawful to proceed again for the accomplishment of said improvement for the period of two years, unless by the unanimous consent of those land owners whose lands may be needed.

Expenses of regulating and paving streets.

82. *And be it enacted*, That all public streets and alleys heretofore laid out, or dedicated and accepted by the common council, shall be graded by the common council at the expense of the city; but it shall be lawful for the common council to direct by ordinance, any public street or alley

hereafter to be laid out or dedicated and accepted by the said common council to be graded, and any private street, court or alley to be graded, paved, curbed, and cross-walks laid across the same at proper places, under the supervision of such person or persons as they may designate, and to cause the expense thereof to be assessed on the lots fronting or bordering on such streets, courts or alleys; and the affidavit of said expense by the person or persons appointed to have said work done, filed with the city clerk, shall fix and determine the amount thereof, and the assessment of the proportion of the expenses for which each lot is liable, made, certified and sworn to or affirmed to be just by such person, and filed with the city clerk, shall fix the proportion of the whole expense for which such lot shall be liable; and such expense shall be a lien on each lot against which it may be assessed, for the proportion of said lot fixed by said assessment, and the same may be collected in the way hereinafter provided for the collection of the expense of paving sidewalks in said city.

Grades of streets to be established by ordinance.

83. *And be it enacted*, That it shall be the duty of the common council, as soon as convenient, to establish by ordinance the grades of the several streets and alleys which now are or may hereafter be opened in said city; and it shall not be lawful after the same shall have been so established to alter the grade of any street or alley except by ordinance, nor shall any such ordinance be passed until the common council shall have caused a notice of such contemplated alteration, to be served upon the owners of lots fronting or bordering upon that part of said street or alley, the grade of which is proposed to be altered, or to be published for two weeks in two of the daily papers of said city, which notice shall state the time when the common council will proceed to consider said matter, which time shall not be less than two weeks from the time of serving or the first publication of said notice; at the time said matter shall come up for the consideration of the common council, all persons interested may appear and be heard by themselves or their counsel, for or against the alteration proposed; all changes which such alteration of grade may render necessary, in gutters, sidewalks, front fences or other property of any land owner, shall be made by the common council at the time of altering such grade, and said common council shall have a right to recover of any land owner, who was an applicant for such alteration, the expense of making such change in his or her

gutter, sidewalks, front fences or other property, together with costs of suit, by an action of debt in any court of competent jurisdiction, in the name of "The Inhabitants of the City of Trenton," against such land owner for so much money laid out and expended by them for the use of such owner, and declare generally and give the special matter in evidence.

Expense of flagging paving, &c., to be a lien on property.

84. *And be it enacted*, That it shall be lawful for the common council, on the application of a majority of the owners of lots fronting or bordering upon any public street or alley, or section of a public street or alley, by ordinance, to direct the said street or alley or section of a street or alley, and the gutters thereof, to be paved or flagged, either in whole or in part, in such manner as they may deem most advisable, under the supervision of such person or persons as they shall designate for that purpose, and to cause the expense of such work to be assessed by such person or persons upon the lots fronting or bordering on said street or alley or section thereof, in such proportions as shall seem just to the person or persons superintending such work; and the expense of such work, certified and sworn or affirmed to by the person or persons under whose supervision the same shall have been done and filed with the city clerk, shall fix and determine the amount thereof; and the assessment of the proportion of the expense to which each lot is liable, made, certified, and sworn or affirmed to be just by such person or persons, and filed with the city clerk, shall fix the proportion of the whole expense for which each lot shall be liable, and the amount so assessed against each lot shall be and remain a lien thereon, until the same shall have been paid; and it shall be the duty of the common council to enforce the payment thereof, in the same manner as is hereafter provided for enforcing the payment of the expense of paving sidewalks; but after any street or alley, or section of a street or alley, shall once have been paved or flagged, then the city shall take charge of and keep the same in repair at the general expense.

Paving, grading, &c.

85. *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 city, be directed to be graded, curbed, paved, regraded, recurbed, repaved, flagged or gravelled, shall neglect to comply with such ordinance for the space of one month from the time of its taking effect, it shall be the duty of the common council to cause the

same to be done under the superintendence of such person or persons as they may designate for that purpose, and the expense thereof certified and sworn or affirmed to by said person or persons, and filed with the city clerk, shall be and remain a lien upon said lot until the same shall have been paid, and shall have priority over any recognizance, mortgage, judgment, debt, obligation or responsibility which the said lot may become liable to from and after the passage of this act; and to enforce the payment of the said expenses, the common council may, at their option, either bring an action of debt in any court of competent jurisdiction in the corporate name of the city, against the owner or owners of such lot, for so much money 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 costs and interest, from the time of filing the certificate aforesaid with the city clerk; and if any such person resides out of the state an attachment may be issued, as in other cases of non-resident debtors; or, having first advertised in two of the newspapers published in said city for the space of two months, once at least in each week, giving notice of the time and place of sale, together with a description of the lot by the letter and number by which it is designated on the city atlas, and specifying the amount of money so laid out and expended on the same, may at such time and place sell at public sale the said lot for the lowest term of years at which any person will agree to take the same, not exceeding fifty years, and pay said expenses with interest thereon from the filing the certificate thereof as aforesaid, and such other expenses as may be incurred by said advertisement and sale; and thereupon the mayor of said city, at the request of the said common council, shall execute and deliver under his hand and the common seal of said city a declaration of sale to the purchaser thereof; and such purchaser, his executors, administrators or assigns, by virtue thereof and of this act, shall lawfully hold and enjoy the same, for his and their proper use, until said term be fully completed and ended; and shall be at liberty to remove all the buildings or materials, which he or they shall erect or place thereon; but he or they shall leave said premises, at the expiration of the term, in as good order and condition as they were at the beginning thereof, natural wear thereof and damages by the elements excepted, and shall pay all taxes which shall be legally assessed thereon

during said term; and if the owner or any incumbrancer of said lot shall, within six months 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 or made thereon, with all taxes paid thereon by such purchaser or his assigns, and twelve per centum upon the amount of such payments so made by said purchaser or his assigns, then the said owner or incumbrancer, as the case may be, shall be entitled to re-enter and re-possess the said lot in the same manner, to all intents, as if such sale had not been made.

Certificate of expeuse of work to be filed with city clerk.

86. *And be it enacted*, That in all cases where, by the provisions of this act, any person or persons is or are required to file with the city clerk, an affidavit and certificate of the expense of any work done under the authority of this act, or to make, certify, swear or affirm to and file with the city clerk any assessment for work done under the authority of this act, it shall be the duty of such person or persons to file with the city clerk such affidavit and certificate of expense, and to make, certify, swear or affirm to and file with the city clerk such assessment within one month after the completion of said work, under such penalty as the common council shall prescribe for the neglect thereof.

Private streets.

87. *And be it enacted*, That all open passage ways in said city, of two rods wide and upwards, which have not been or shall not be made streets according to law, shall be deemed and taken to be private streets; and all open passage ways, less than two rods in width, which have not been open to the use of the whole public for twenty years prior to the passage of this act, shall be deemed and taken to be private alleys.

Assessments to be made upon lots as recorded in city atlas

88. *And be it enacted*, That all assessments upon lot owners in said city, which may be made for any purpose authorized by this act, or to be authorized by law, shall be made upon the lots or sub-divisions of lots as they stand recorded on the city atlas; and in advertising the same for sale for such assessments, or for taxes, or in entering liens thereon, it shall be sufficient to describe said lots, or sub-divisions of lots, by the letters and numbers, and streets by which they are distinguished on the city atlas, together with the name or names of the owner or owners thereof, as the same appears in the register kept by the city surveyor.

TITLE EIGHTH.

MISCELLANEOUS PROVISIONS.

Inhabitants not incompetant as witnesses or jurors.

89. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact to which "The Inhabitants of the City of Trenton" is a party, or in which the city of Trenton is interested, no person shall be deemed to be incompetent as a judge, witness, or juror, by reason of his being an inhabitant or freeholder of said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Former ordinances in force until repealed.

90. *And be it enacted*, That all ordinances of the said city passed by the common council thereof, under and by virtue of the provisions of the act entitled "An act to incorporate the city of Trenton," passed March seventh, eighteen hundred and thirty-seven, and the several supplements thereto, not inconsistent with this act, shall continue in force until altered or repealed by the common council.

Former rights and privileges conferred to be enjoyed under this act.

91. *And be it enacted*, That all the duties and liabilities heretofore 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, shall appertain to and be sustained and performed by "The Inhabitants of the City of Trenton," and that all the rights, privileges, emoluments and advantages heretofore conferred 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, shall appertain to and be held and enjoyed by the inhabitants of the city of Trenton in like manner as they were or might have been sustained and performed, and held and enjoyed by the inhabitants of the township of Trenton, had this act never been passed.

Contracts for work to be advertised.

92. *And be it enacted*, That all contracts for doing work, or furnishing materials for any improvement provided under this act, exceeding in amount two hundred dollars, shall be advertised for ten days in one or more daily newspapers printed and published in said city, and shall at all times be given to the lowest bidder, he or they giving ample security for doing said work according to contract.

93. *And be it enacted*, That no member of the common

Members of council not to be security for contractors.

council shall be appointed to or 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 the expense of which is to be paid from the city treasury, 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 recoverable by suit in the name of "The Inhabitants of the City of Trenton," and the said penalties, when recovered, shall be paid into the city treasury.

Repealing former acts.

94. *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, be and the same 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; and the provisions of this act shall not be construed to apply to or in any wise affect any person who has heretofore been elected to any office at any annual city election, so far as relates to said office.

Term of office.

95. *And be it enacted*, That the present members of the common council and trustees of public schools of the city of Trenton shall remain in office in the same manner and for the same terms as if this act had not been passed.

When to take effect.

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

Approved March 15, 1866.

CHAPTER CLXXI.

A further supplement to the act entitled "An act against Usury."

Seven per centum per annum legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon all contracts hereafter made

for the loan of, or the forbearance or giving day of payment for any money, wares, merchandise, goods or chattels, it shall be lawful for any person or persons, or body corporate to take the value of seven dollars for the forbearance of one hundred dollars for a year, and after that rate for a greater or less sum or for a longer or shorter period, and that when interest is allowable by law, the legal rate shall be seven per centum; anything in the act to which this is a supplement to the contrary notwithstanding, and that so much of the said act as conflicts with this supplement, be and the same is hereby repealed.

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

Approved March 15, 1866.

CHAPTER CLXXII.

A further supplement to the act entitled "An act to incorporate the Newark Gas Light Company," approved the twenty-seventh day of March, one thousand eight hundred and fifty-five.

Preamble. WHEREAS, by an act of the legislature of the state entitled "An act to incorporate the East Orange Gas Light Company," approved the twentieth day of February, one thousand eight hundred and sixty-six, the said company is, among other things, authorized as well to purchase as to manufacture gas for the purpose of lighting the streets, buildings and other places in said township; and whereas, owing to the sparseness of the population and the large territorial area of said township, the said East Orange Gas Light Company may find it to their interest and may desire to purchase from the Newark Gas Light Company and receive from their pipes gas manufactured by them for the purpose aforesaid; now, therefore, in order to enable the Newark Gas Light Company to make such arrangement, and to provide the means for the increase of the capacity of their works and the extensive improvements which will be thereby rendered necessary,

May make contract with the "East Orange gas light company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Newark Gas Light Company is hereby invested with full power to manufacture, sell and deliver to "The East Orange Gas Light Company" the whole or any part of the gas needed by the said last mentioned company for this purpose, and the said companies are hereby authorized and empowered to enter into contract with each other for said purpose, and the same to change from time to time as may be mutually agreed upon, and "The Newark Gas Light Company" are hereby authorized to increase their capital to the further sum of five hundred thousand dollars, which increase shall be issued or subscribed and paid in at such time or times and in such manner as the directors of said company may from time to time direct.

Repealer.

2. *And be it enacted*, That the eleventh section of the act to which this is a supplement, and the third section of the supplement to the same, approved the seventh day of February, eighteen hundred and forty-nine, are hereby repealed, and this act shall take effect immediately.

Approved March 15, 1866.

CHAPTER CLXXIII.

An act to incorporate the Hoboken, Ridgefield and Paterson Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philip Rafferty, Benjamin Buckley, William Gledhill, William S. Banta, W. W. Shippen, Peter Townsend, David Crawford, Edward K. Al Burtis, Daniel W. Talcott, Benjamin K. Hutton and Edward M. Clymer 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 politic and corporate, in fact and in law, by the name of the "Hoboken, Ridgefield and Paterson 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 capital stock of

said company shall be four hundred thousand dollars, with power to increase to eight 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.

Commissioners to open books of subscriptions

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation at such time or times, and place or places as they or a majority of them may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state; and if more than four hundred 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 said road.

Election of directors.

4. *And be it enacted*, That 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 when one hundred thousand dollars of the capital stock shall be subscribed for, 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 of this state; and such election shall be made at the time and place appointed in the said notice 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 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 a reasonable compensation for their own services to the said directors; and the directors chosen at such election, and at every annual election of said corporation shall, as soon as may be after such 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 a majority of the said board of directors;

and in the absence of the said president, a majority of the said board of directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Not to be dissolved by reason of failure to elect.

5. *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 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 shall have been chosen in their places.

Directors to call in installments

6. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of the said corporation, and 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' previous notice in two newspapers published in this state; *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 regulations 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 board shall seem proper.

Proviso.

Powers of directors.

7. *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 at the city of Hoboken, in the county of Hudson, at or within one mile north of the Hoboken ferry, in said city of Hoboken, and thence to some point in the city of Paterson; *provided*, that the said road shall run south of the village of Hackensack, and not within the distance of two and one half miles of the court house in said village, without the consent of the Hackensack and New York Railroad Company, with power to make branches and connec-

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tions to and with other roads now or hereafter to be constructed in either or both the counties of Passaic or Bergen, and to locate and construct said railroad not exceeding one hundred feet in width, except in such places where, from the depth of the excavation or the length 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 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; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon lands and waters 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, 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 the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands; and to erect embankments, bridges and all other necessary works thereon, and to lay rails, and 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.

Proceedings when company and owners 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 lands or materials, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of 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 the common pleas of the county in which the lands are situate, who shall cause the said company to give notice thereof to the person 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 of 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 or materials, and assess the damages, upon such notice, not less than twenty days, to be given to the person interested or otherwise as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of the 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 or materials, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of the said railroad, as the case may be, to the said owner or owners and to make a just and equitable appraisement of the value of the same, and an assessment of the damages to be paid by the said company, which report shall be in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county in which said lands or materials are situated, to remain of record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, 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 land or materials; 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, 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.

Proceedings in case of disability.

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 of this act, the party so aggrieved may appeal to the circuit court of the county in which the lands or materials lie, at the first term after the filing of the said report, by proceeding in the form of petition to said court, which proceeding shall vest in the 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 empanneled and sworn, as in other cases, and a view of the premises to be had, if either of the parties desire it; and the issue to be tried at the next term of said court, to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land or materials 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 said costs to be paid by the said applicant or applicants, either deducted out of the said sum found by 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; *provided*, that in no case whatever shall said company enter upon or take possession of the lands or materials 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 or materials to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the said commissioners, as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no ap-

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peal, 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 where the said lands lie shall be deemed a valid and legal payment; *and further*, that if the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

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Bridges to be erected.

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 on or under the said railroad, where any public road or other road now in use shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be obstructed thereby, and also where the said road shall intersect any farm or other lands of any individual, to provide and keep in repair suitable wagon ways over or under the same; and the said company may build bridges over the Hackensack river and over the English creek and other navigable streams within the line of their road, and in each bridge they shall build over the Hackensack river and over the English creek, at points where the same are navigable, they shall put a draw of at least sixty feet wide in the narrowest part, and they shall build such bridges over the best channel in said river, creek or stream in such manner as to do the least injury to navigation.

Rates of transportation.

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 fit, 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 four cents per mile for all distances exceeding five miles for each passenger, and eight cents per ton per mile for the transporation of every species of heavy merchandize and goods usually weighed by the ton in the carriages of

Proviso.

the company, and for dry goods and packages, at such reasonable rates as shall be fixed by the board of directors, with such reasonable depot charges as said directors may determine, with power to do an express business in regard to their own freight as is done by other express companies.

May have and hold lands, &c.

12. *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, and may erect and build thereon 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.

Penalty for injury to works.

13. *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 of cost to be filed.

14. *And be it enacted*, That as soon as the said railroad or any part thereof shall be in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad, including equipment, appendages and 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 cost, equipment, appendages, proceeds and expenses of the said road; and after the said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner for the same pur-

poses and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Power to borrow money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, not exceeding in amount two-thirds of the capital stock of said company, 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 payment thereof by bond and mortgage, or otherwise, on the said road, lands, franchises and and appurtenances of or belonging to said corporation; *provided however*, that the said company shall not plead the statute of usury in consequence thereof.

Power to make contracts.

16. *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 company or incorporation or with individuals for operating said railroad for transporting or conveying any kinds of goods, property, produce, merchandize, freight or passengerr, and to enforce the fulfilment 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.

Who may ride free.

17. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and of the court of errors of the state, when traveling upon official business, 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.

Limitation.

18. *And be it enacted*, That unless the said road shall be commenced in two years, and completed in five years, this act shall be of no effect.

Approved March 15, 1866.

CHAPTER CLXXIV.

An act to incorporate the Cosmopolitan Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. E. Hall, J. R. Mallary, J. McMaster, Benjamin Shepard and Wm. A. Shepard, successors and assigns and their associates are hereby constituted a body corporate by the name of the "Cosmopolitan Express Company," with all the rights and privileges usually enjoyed by express companies in the transaction of their business and the usual legal rights bestowed upon corporate bodies; and that their principal office be located in the county of Hudson. Names of corporators

2. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each with the right to increase the same by a vote of the directors as the exigencies of the business may require; *provided*, that at no time shall said pro rata of increase be more than one hundred per centum of said capital; the general management of the business of this company shall be in accordance with by-laws adopted by the board of directors, no one of which shall be contrary to the laws of this state or of the United States. Amount of capital stock

3. *And be it enacted*, That after fifty per centum of said five hundred thousand dollars shall be subscribed and twenty per centum paid in, this company be authorized to commence business in accordance with the provisions of this charter. May commence business.

4. *And be it enacted*, That the persons named in this enactment shall be directors of this company until others are elected by the shareholders, and the number of directors for that election shall be determined by the by-laws of the company. First directors

5. *And be it enacted*, That this corporation shall continue for twenty-five years, and that this act shall go into effect immediately after its passage. Limitation

Approved March 15, 1866.

CHAPTER CLXXV.

An act to repeal an act entitled "A supplement to an act entitled 'An act relative to the public streets in the town of Millville, in the county of Cumberland,'" approved March ninth, eighteen hundred and fifty-nine.

Repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to an act entitled 'An act relative to the public streets in the town of Millville, in the county of Cumberland,'" approved March thirtieth, eighteen hundred and sixty-five, be and the same is hereby repealed, and the said act and various sections thereof be of non-effect.

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

Approved March 15, 1866.

CHAPTER CLXXVI.

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

Order of confirmation may be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas of the several counties in this state be authorized and empowered to receive reports of all sales made by order of a judge of any of said courts at any special term or terms of said courts, to confirm such sales and order title to be made to the purchaser or purchasers, which shall be valid and effectual in law as if made at a stated term of said courts.

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

Approved March 15, 1866.

CHAPTER CLXXVII.

Supplement to an act entitled "An act authorizing the Justices of the Supreme Court to appoint Commissioners to take special bail, and to administer oaths and affirmations;" revision, 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 every commissioner appointed by virtue of the act to which this is a supplement, shall have the same power and authority to make an order to hold the defendant to bail in any action of tort brought, or to be brought in any of the courts of this state, that is now vested in the justices of the supreme court of this state, and shall be entitled to the same fees as are now allowed by law to said justices in like cases. Power of commissioners.

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

Approved March 15, 1866.

CHAPTER CLXXVIII.

A further supplement to an act entitled "An act to authorize the Governor of this State to incorporate a company for erecting a Bridge over the river Delaware, at or near Trenton," passed March third, seventeen hundred and ninety-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all general meetings or elections of the stockholders of the said Trenton Delaware Bridge Company, after the passage of this act, each share of stock of said company shall entitle the holder thereof to one vote. Each share shall entitle holder to one vote.

2. *And be it enacted*, That so much of the third section of the act to which this is a supplement as is inconsistent with Repealer.

the provisions of this, be and the same is hereby repealed.

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

Approved March 15, 1866.

CHAPTER CLXXIX.

An act to construe certain parts of "An act entitled 'An act to confirm certain acts of the inhabitants of the township of Franklin, in the county of Hunterdon, and to authorize the raising of money to procure volunteers and substitutes,'" approved March third, eighteen hundred and sixty-five.

Preamble.

WHEREAS, it is found that the operation of the fourth section of the act entitled "An act to confirm certain acts of the inhabitants of the township of Franklin, in the county of Hunterdon, and to authorize the raising of money to procure volunteers and substitutes," approved March third, eighteen hundred and sixty-five, is unjust; and whereas, it is manifest that the inhabitants of the said township desire the said fourth section to be so construed as to impose a poll tax of thirty-five dollars only upon those who were liable to be drafted at that time; therefore,

Part of former act changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That so much of the fourth section of said act as imposes a poll tax of thirty-five dollars shall be altered and so construed as to apply only to such persons as were liable to be drafted to fill the quota of the said township of Franklin on the draft pending at the time said act was passed; and that the collector and all other officers of said township shall act in conformity with the requirements of this act.

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

Approved March 15, 1866.

CHAPTER CLXXX.

A supplement to an act entitled "An act to revise and amend the charter of the city of Elizabeth."

Power to borrow certain sums of 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 city of Elizabeth to borrow the sum of thirty thousand dollars, in addition to the loans now authorized by the charter of the said city and supplements thereto, for the purpose of enlarging, completing and fitting up the market house with accommodations for the city officers, and that the city council may issue the bonds of the said city to secure the payment of said loan; the amount thereof shall be added to and be a part of the general debt of the said city, and the said bonds shall be issued in conformity with the law providing for the issue of bonds to secure the payment of the general debt of the city of Elizabeth; *provided*, that the interest and at least one thousand dollars of the principal of said loan shall be raised by tax and paid in each year until the full amount thereof shall be raised. Proviso.

May sell bonds,

2. *And be it enacted*, That it shall be lawful for the city council of the city of Elizabeth to sell the bonds of the said city at their market value.

Description of property.

3. *And be it enacted*, That a reference in the assessment to the number on the city surveyor's or commissioner's map or any map of the property on file in the clerk's office of the county of Union, or to the number of the street fixed by the city council, shall be a sufficient description of property in the city of Elizabeth, upon which any assessment shall be made by virtue of the provisions of the charter of the city of Elizabeth with the supplements thereto.

Council empowered to collect costs for work.

4. *And be it enacted*, That the city council are hereby authorized and empowered to proceed in the work of grading, curbing and guttering Magnolia street, and to assess and collect the cost and expenses of the said work in accordance with the provisions of the charter and supplements notwithstanding any irregularities which may exist in the previous proceedings relative thereto.

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

Approved March 15, 1866.

CHAPTER CLXXXI.

An act for the relief of Harmon Beavers, of Cayuga County and state of New York.

Preamble. WHEREAS, Ralph Beavers, late of the township of Lebanon, in the county of Hunterdon, and state of New Jersey, deceased, did in his lifetime make and publish his last will and testament, bearing date the twenty-sixth day of May, anno domini eighteen hundred and fifty-one, which said will Joseph Beavers and Jonathan M. Welsted, the executors therein named, did prove before the surrogate of the county of Hunterdon on the fourteenth day of April, in the year of our Lord eighteen hundred and sixty-three; and whereas, the said Ralph Beavers, deceased, after giving and bequeathing several specified legacies, did order and direct that the residue of his estate should be equally divided among his five children, of whom Harmon Beavers, of Cayuga county, of the state of New York, is one; and whereas, by an inquisition taken on the sixth day of April, in the year eighteeen hundred and sixty-five, under and by virtue of a commission in the nature of a writ de lunatico inquirendo issued out of and under the seal of the supreme court of the state of New York, bearing date the twenty-seventh of March, in the year eighteen hundred and sixty-five, the said Harmon Beavers was found to be an habitual drunkard, incapable of conducting his own affairs in consequence of the habitual drunkenness of him, the said Harmon Beavers, and thereupon, upon reading and filing the said inquisition in the said supreme court of the state of New York it was ordered by the said court that the said inquisition so taken in all things be confirmed, and on reading and filing the petition of Mrs. Martha Beavers, the wife of the said Harmon Beavers, duly verified, praying for the appointment of Adam Miller, Esq., of Auburn, in said county, to be the committee of the person and estate of the said Harmon Beavers, it was ordered by the said court that the said Adam Miller be and he was thereby duly appointed the committee of the person and estate of the said Harmon Beavers upon giving bond with two sufficient sureties to be approved by the county judge of said county of Cayuga, of the

state of New York, with penalty of fourteen thousand dollars conditioned for the faithful performance of his trust as such committee according to the statute of said state, and to account whenever required in conformity with the rules and practice of the said supreme court of the state of New York; and whereas, the said Adam Miller, in pursuance of the said appointment, did on the twelfth day of April, anno domini eighteen hundred and sixty-five, enter into bond with sureties and conditioned as in the said order directed, which said bond, thus duly executed and approved by the said county judge, was filed in the said supreme court of the state of New York on the fourteenth day of April, anno domini eighteen hundred and sixty-five; and whereas, the said Adam Miller thereupon did take upon himself the burthen of the execution of the said trust reposed in him; and whereas, the distributive share of the said residuary bequest so given and bequeathed to the said Harmon Beavers by the said Ralph Beavers, deceased, is now in the hands of the said executors of the said Ralph Beavers, deceased, ready to be paid to the said Harmon Beavers or for his use to any person lawfully entitled to receive the same; and whereas, it is desirable that the said distributive share of the said residuary bequest of the said Harmon Beavers should be paid over into the hands of the said Adam Miller, committee of the person and estate of the said Harmon Beavers, so that the said Harmon Beavers may enjoy the use, issues and profits arising therefrom; therefore,

Orphans court may make order.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Adam Miller, the committee of the person and estate of the said Harmon Beavers, or the successor of the said Adam Miller as such committee, on producing satisfactory proof to the orphans' court of the county of Hunterdon by certificates according to the acts of congress in such cases made and provided, that he has given bond and security in the state where he and the said Harmon Beavers reside, in double the amount of the value of the property that has and is about to come into his hands as such committee, and it is found that the removal of the said property will not conflict with the interests of the said Harmon Beavers or of any others interested in the said property, then the said orphans' court may make an order for the removal of the said property into the hands of the said Adam Miller or his successor as such committee.

Power to sue for and remove property.

2. *And be it enacted*, That after an order is made by the said orphans' court as directed in the preceding section of this act, that the said Adam Miller or his successors as such committee of the person and estate of the said Harmon Beavers may demand or sue for any such property as is justly due and owing to the said Harmon Beavers, and remove the same to the place of the residence of himself and the said Harmon Beavers.

Executors may be discharged.

3. *And be it enacted*, That when the said committee or his successors shall produce an exemplification from under the seal of the office of the supreme court of the state of New York, containing all the entries on record in relation to his appointment and giving bond and authenticated as required by act of congress as aforesaid, and on filing the same in the office of the surrogate of the county of Hunterdon, the orphans' court of the said county of Hunterdon may cause suitable orders to be made discharging the executors of the said Ralph Beavers, deceased, and authorizing the passing over of the said property, and also requiring receipts to be passed and recorded if deemed advisable, which receipts shall be of the same force and validity against the said Harmon Beavers, his heirs, executors, administrators and assigns, as if the same were executed and delivered by the said Harmon Beavers in his own proper person.

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

Approved March 15, 1866.

CHAPTER CLXXXII.

An act to incorporate the Trenton Hall and Building Association.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Jones, John Taylor, John H. Creveling, Joseph G. Brearly, John C. Cook, John L. Murphy, Charles Scott, Daniel Temple, Philip Smith, John Barnett and John Mars, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors are hereby constituted

and declared a body politic and corporate in fact and in law, by the name of "The Trenton Hall and Building Asssociation," and by that name shall have power to lease, purchase and hold real estate in the city of Trenton and to erect and maintain thereon a public hall, with such rooms as may be incident thereto, and to transact all such business as may appertain to the erecting, furnishing, conducting, leasing or otherwise disposing of said premises for the purposes aforesaid.

Amount of capital authorized.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of sixty thousand dollars, with power to increase the same hereafter as aforesaid, whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding seventy-five thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of the said capital stock shall entitle the bona fide owner thereof to one vote, either in person or by proxy, at all the elections and meetings of the stockholders.

Capital stock not to be withdrawn.

4. *And be it enacted*, That no part of the said capital stock shall at any time, or in any manner or under any pretence whatever, be withdrawn from the legitimate business of the said corporation, or refunded to the stockholders until all debts and liabilities of the said corporation are fully paid.

Election of directors.

5. *And be it enacted*, That the directors shall be elected from among the stockholders in such manner as the by-laws of said corporation shall prescribe, and shall not be less than five in number, and shall, with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

Debts Limited.

6. *And be it enacted*, That the whole amount of debts which the said corporation shall owe at any one time shall not exceed the amount of capital stock subscribed for.

Powers of directors.

7. *And be it enacted*, That the property and affairs of the said corporation shall be managed by a board of directors to be elected as aforesaid, a majority of whom shall be a quorum for the transaction of business; the said directors shall have power and authority to make all necessary by-laws and regulations for the transaction of the business of the corporation, to prescribe the time and mode of payment of subscriptions to the capital stock, and to forfeit the stock of any

stockholder for neglect to make such payment in the mode prescribed; to appoint such officers and agents as they may deem requisite for the management of the business of the corporation and such agents to remove at pleasure.

Directors may sell property.

8. *And be it enacted*, That the directors of the association for the time being shall have power and authority, by and with the written consent of the stockholders holding in their own right three-fourths of the amount of the capital stock, to sell, dispose of and convey all the property of the corporation and to divide the proceeds of such sale or sales after payment of all the debts and liabilities of the corporation among the stockholders in a ratable proportion to the amount of stock held by them respectively.

Commissioners to open books of subscriptions.

9. *And be it enacted*, That John Taylor, Joshua Jones and Charles Scott shall be commissioners to open books and receive subscriptions for the capital stock of said corporation, and to call the first meeting of stockholders for the election of directors at such time as they may deem proper.

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

Approved March 15, 1866.

CHAPTER CLXXXIII.

An act to vacate parts of certain streets in the city of Hudson, in the county of Hudson.

Preamble.

WHEREAS, The "water commissioners of Jersey City," have, pursuant to the provisions of the act entitled "An act to authorize the construction of works for supplying Jersey City, and places adjacent with pure and wholesome water," approved March twenty-five, eighteen hundred and fifty-two, and the supplements thereto, taken and acquired the following prescribed tract of land, situate in the city of Hudson, in the county of Hudson, in this state, that is to say: bounded on the north by lands now or late of Smith Benedict, on the east by Montgomery avenue, on the south by Jefferson avenue and lands of William O. Davy, and on the west by Bergen Wood avenue, for the purpose of making thereon a reservoir; and whereas, certain streets

and parts of streets have been laid out and dedicated to public use across the said tract of land, viz: Waverly avenue, and other streets not named, northerly thereof, extending from east to west across the said tract; and whereas, the said reservoir cannot be built without closing up the said streets across the said tract of land; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the said several streets in the preamble to this act mentioned, that is to say, the said parts of Waverly avenue, and parts of other streets or avenues which are not named, and which are contained within the boundaries of the said tract of land in the preamble to this act described which has been taken and acquired by the water commissioners of Jersey City, for the purpose of building thereon a reservoir, be and the same hereby are vacated, and any dedication of the said parts of the said streets to public use, by the making and filing of maps, or by sales and conveyances by said streets is hereby declared null and void. Certain streets vacated.

3. *And be it enacted*, That the said water commissioners shall have power, and are hereby authorized to use the lands in the preamble to this act described, in the construction of a reservoir, in the same manner as if no such streets had ever been laid out or dedicated to public use across the said lands. Power to construct reservoir.

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

Approved March 15, 1866.

CHAPTER CLXXXIV.

A supplement to an act entitled "An act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement shall be so amended as to include within the boundaries of Morristown, the dwelling house of John T. Foote and the dwelling house of J. Couper Lord, Amendment to former act.

and that next after the words of "Joseph Thomson," in said section, the words "thence in a straight line to the New Vernon road," shall be stricken out, and the words "thence in a straight line to and including the house of John T. Foote, thence in a straight line across the New Vernon road," be inserted; *and further*, that the words in said section "to and including the house of Gordon Burnham," be stricken out and instead thereof the words "to and including the house of J. Couper Lord," be inserted.

Term of officers.

2. *And be it enacted*, That hereafter the mayor, recorder, the two aldermen, and common councilmen named in the act to which this is a supplement shall severally be elected to hold their respective offices for two years instead of one year, but that at the next election after the passage of this act, (and at that election only,) the recorder shall be elected for only one year, and one of the aldermen shall be elected for one year, and one for two years, and two of the common councilmen shall be elected for one year, and three for two years.

Duty of sheriff and jailor.

3. *And be it enacted*, That it shall be the duty of the sheriff and jailor of the county of Morris, to receive from the marshal and other officers of said town, all offenders who shall be apprehended by such marshal or officers, or who shall be committed to said jail by the mayor or other magistrates or court in said act, to which this is a supplement, named for offences against the by-laws, ordinances and regulation of the common council, and to keep the same as prisoners in the same way and under the same penalties as other prisoners are by law required to be kept, and put and keep at work in the workhouse of said county, all persons sentenced by said mayor, magistrate or court for the offences aforesaid, to hard labor in said workhouse according to the true meaning and effect of such sentence, and that said sheriff and jailor shall, for the board and maintenance of said prisoners, have the same remedy and action against the board of chosen freeholders of the county of Morris, as they now have for other prisoners in said county and no other.

Council to make ordinances and to grant licenses, &c.

4. *And be it enacted*, That the common council of Morristown shall have power within said town to make, establish, publish and modify, amend or repeal ordinances for the following purposes: first, to manage, regulate and control the finances and property, real or personal, of the town; second, to prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and dis-

orderly assemblages, in said town and at the depots of railroad companies, to restrain and punish all acts tending to disturb public schools or places of public worship, or to annoy and disturb persons passing to or from such places; third, to restrain and suppress disorderly and gaming houses and houses of ill-fame; fourth, to license and regulate victualing houses or cellars, billiard and bowling saloons, and to regulate, license and restrain beer shops and all places where spirituous, vinous or malt liquors are sold; fifth, to prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses and other public performances or exhibitions for money; sixth, to regulate, clean and keep in repair the streets, highways, lanes and alleys, and bridges (except county bridges,) in said town, and to prevent and remove obstructions, encroachments, incumbrances in and upon all streets, highways, sidewalks, cross-walks, bridges, sewers, drains, aqueducts or watercourses in any manner whatever, to prescribe the manner in which persons or corporations shall exercise any privilege granted to them in the use of any street, highway or alley in said town, to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and grounds of said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon, and to restrain, regulate and prohibit the blasting of rock within the corporate limits; seventh, to prevent or regulate the erection or construction of any stoops, step, platform, bay-window, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection in, over or upon any street or avenue, and to remove the same in a summary manner at the expense of the owner or occupant of the premises; eighth, to prevent and punish horse racing within the corporate limits, and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any streets, and to regulate the speed and running of locomotive engines and railroad cars through said town, and to designate the crossings at which any railroad company shall be required to station flagmen or signals to warn travellers of the approach of locomotive engines or cars; ninth, to regulate, protect and improve the parks and other public grounds

General powers.

in said town; tenth, to provide lamp and gas fixtures and to light the streets, parks and public grounds of every description in said town; eleventh, to make and regulate wells, pumps, aqueducts and cisterns in the public streets and squares; twelfth, to establish and regulate one or more pounds and to prevent the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping, impounding and sale thereof; thirteenth, to regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes or fines on the owners of dogs; fourteenth, to locate, regulate, prohibit and remove slaughter-houses, and the storage and keeping of powder and other combustible materials, to establish and regulate public markets, and when the public market or markets are established, to license butchers, hucksters, and designate the times and manner of selling meats, fish, vegetables, fruits, and to prohibit persons from selling such articles without license; fifteenth, to prescribe and regulate the places of vending or exposing for sale hay, straw and wood from wagons and other vehicles; sixteenth, there shall be a board of health, which shall consist of the mayor, one alderman and one common councilman, who shall be appointed by the council, and whose duties shall be prescribed by ordinance; seventeenth, to restrain and punish drunkards, vagrants, mendicants and street beggars; eighteenth, to abate or remove nuissances of every kind, and to compel the owner or occupant of any butcher's stall, tallow chandler's shop, soap factory, cellar, stable, privy, hog-pen, sewer, drain, 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 may deem necessary for the health, comfort and convenience of the inhabitants of the town, at the expense of the owner or occupants thereof; to regulate and prohibit any practice having a tendency to frighten animals, or to annoy any person passing in the streets or on the sidewalks of said town; nineteenth, to license and regulate cartmen, hackmen, auctioneers, common criers, hawkers, pedlars, pawnbrokers, junk shop keepers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities; twentieth, to establish, regulate and control a day and night police, and to define their duties; twenty-first, to establish, regulate and control a fire depart-

General powers.

ment, and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation, to provide fire engines and other apparatus and engine houses and other places for keeping and preserving the same, and to provide for the extinguishing of fires; twenty-second, to adopt all legal and requisite measures for levying and collecting the taxes; twenty-third, to make and establish all such other 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 on them by this act or by any other law of this state, and to alter, modify, amend or repeal the same at their discretion, and to adopt by-laws, resolutions, rules and regulations to carry out any ordinance duly enacted, or to enforce any law of this state, or any part of this act which they may be required or authorized to perform without an ordinance.

Surveys to be filed.

5. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to cause surveys to be made, and the same to be filed in the office of the clerk of the county of Morris, and recorded in the book of records of roads and highways for the said county, of such streets, roads, highways and alleys as they may think proper, which heretofore have been or at any time hereafter may be opened by the owner or owners of any land over which the same runs, and which have been by such owner or owners dedicated to the public by permitting the public to use the same, and all such streets, roads, highways and alleys, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects.

Public streets and highways.

6. *And be it enacted*, That no street, road, highway or alley hereafter to be laid out and opened within the said town shall be recognized, considered or treated as a public street, road, highway or alley, unless the same shall be laid out and opened under the direction of the common council or shall be surveyed and such survey filed and recorded as aforesaid.

Commissioners to survey and lay out streets.

7. *And be it enacted*, That whereas there are several roads, highways and streets within the said town of Morristown, the lines of which have not been and cannot be certainly ascertained by reason of the indefinite survey, 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 town shall and may appoint from time to time, four disinterested freeholders residing in said town as commissioners, who together with the town 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 town, 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 mark 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 a book of the town clerk, to be provided for that purpose, 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 four commissioners shall receive for their services such compensation as shall be made and granted by the said common council.

Taxes. 8. *And be it enacted*, That it shall and may be lawful for the common council to cause to be raised, by tax, such sum or sums of money as they may think necessary in each year for the expenses of said town, in addition to the road taxes received or to be received from the township of Morris, which sum or sums shall be assessed upon the inhabitants of said town by the assessor, agreeably to the laws and regulations to be made by the common council of said town for that purpose, in the same manner and upon the same basis as township and county taxes are by law assessed and collected, at such time, and be paid and disposed of in such

Proviso. manner, as the common council shall direct; *provided*, that every person in said town who may think him or herself aggrieved by any fine, penalty or assessment imposed on them in virtue of this act may appeal to the common council, who are hereby required to hear his or her cause of complaint and to do therein what to them may appear just and

Proviso. equitable; *and provided further*, that no greater sum than five thousand dollars shall be assessed or raised in any one year by said common council unless such greater sum shall be first ordered to be raised by the vote of the inhabitants of

said town at their annual election, nor a greater poll tax than one dollar per poll shall be levied and assessed in each and every year; but in no event shall the mayor, recorder, or any member of the common council receive any salary or compensation for their services, except such fees and costs as they may receive by reason of their acting as magistrates, as previously provided.

Town clerk.

9. *And be it enacted*, That the town clerk of Morristown shall hereafter be appointed by the mayor, recorder, alderman and common council of said town, to hold his office during their pleasure, and shall not be elected as provided in the act to which this is a supplement; *provided*, that the clerk of Morristown shall hold his office until the next annual election in said town for town officers.

Proviso.

Repealer.

10. *And be it enacted*, That section fifteen of the act to which this is a supplement, entitled "An act to incorporate the town of Morristown," approved April sixth, eighteen hundred and sixty-five, and so much of any other section of said act as may be inconsistent with this act, be and the same is hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act, and as such be taken notice of by all courts of justice within this state.

Approved March 15, 1866.

CHAPTER CLXXXV.

An act to amend an act entitled "A supplement to the act entitled 'An act concerning inns and taverns,'" approved April seventeenth, eighteen hundred and forty-six, and which supplement was approved twenty-ninth day of March, eighteen hundred and sixty-five.

Preamble.

WHEREAS, by a supplement to the act of which this is an amendment, approved March twenty-ninth, eighteen hundred and sixty-five, the township committee of the township of Bayonne, in the county of Hudson, were constituted and appointed "A Board of Commissioners for the licensing of inns and taverns" in said township in the

place of the court of common pleas of said county; and whereas, it is expedient for the public good that the local authorities shall not only have control of the licenses to sell liquor in their own townships but also have power to revoke the same in the event of infractions thereof, which said power was heretofore omitted to be given in said supplement and as an amendment of said supplement, therefore,

Powers of board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board of commissioners for licensing inns and taverns in said township of Bayonne are empowered to proceed in like manner as is provided for the said court of common pleas in the trial of all causes of infraction of the licenses to keep inns and taverns, and saloons, and restaurants, or for selling without license, or for the violation of any of the provisions of said act concerning inns and taverns or of the supplements or amendments thereof, and for that purpose; *provided*, they shall first notify any justice of the peace for said township of their meetings, the said justice being hereby required to meet with them as associate presiding officer; they may hear complaints, summons parties to appear to answer, take testimony, examine witnesses on oath or affirmation, and revoke licenses and impose such fines as they or a majority of them in their discretion and judgment may deem right and proper, not exceeding fifty dollars, and their proceedings and decisions shall have the same force and effect as if such cases had been heard and decided by the said court of common pleas.

Proviso.

Commissioners to grant licenses.

2. *And be it enacted*, That the said board of commissioners are hereby also authorized to grant licenses to persons to keep saloons and restaurants in said township, and to utter and sell victuals, vinous and spirituous and other strong liquors, if applications be made for the same, in like form and manner and under the same terms and conditions as are required for inns and taverns, and such licenses when granted shall be subject to the same penalties and restrictions as those granted to keep inns and taverns, (except those relating to the keeping of beds for travelers and provender for horses), and the said court of common pleas shall hereafter have no power to grant such licenses.

Unpaid fines how collected.

3. *And be it enacted*, That whenever any person shall have a fine or fines imposed upon him by the said board of commissioners, and the said fine or fines shall remain unpaid for

the space of ten days thereafter, then it shall be the duty of the said justice of the peace to issue a warrant to a constable of said township for the collection of the amount thereof, and in default of payment of the same, for the arrest and imprisonment of such person in the county jail; *provided*, that the said imprisonment shall not be for a longer term than ten days, or the said justice may issue a writ of attachment upon the property and effects belonging to the person upon whom the fine has been imposed, except when an appeal has been taken at the time the decision of the board of commissioners was made; and it shall be and hereby is the duty of the said constable to sell at public auction so much of the said property and effects as will satisfy the said judgment, and the proceeds thereof after deducting the usual fees, shall be paid over to the township treasurer for the benefit of the poor in said township.

Repealer.

4. *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.

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

Approved March 15, 1866.

CHAPTER CLXXXVI.

An act to amend an act entitled "An act authorizing the appointment of commissioners to lay out and map streets, avenues, and squares in that part of Bergen Township south of the Morris canal in the county of Hudson," approved March sixteenth, eighteen hundred and fifty-seven.

Preamble.

WHEREAS, by the act to which this is an amendment, certain commissioners were appointed to survey and map all that part of the then township of Bergen, which lies south of the Morris canal, to mark the same out into streets, avenues and squares, of such width, extent, and direction as to them should seem most conducive to the public good; and whereas, the said commissioners named in the said act have performed the duties imposed upon them by the

said act, and have deposited maps of their said survey in the clerk's office of the county of Hudson, and in the office of secretary of state at Trenton, as required by said act, which said territory as aforesaid, since the passage of said act has been erected into a separate township by the name of Bayonne; and whereas, a certain avenue T on said commissioners map is laid down and established as a sixty foot street or avenue, when in fact the width and line of said street or avenue was calculated to have been fifty feet, in accordance with the original improvements of the owners on the line of said avenue, before the appointment of said commissioners or the establishing of said map; now therefore,

Width of avenue to be changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the width of said avenue marked, laid down, and designated as "Avenue T," on said map, made and filed pursuant to act of March sixteen, eighteen hundred and fifty-seven, as aforesaid, be and the same is hereby changed from sixty to fifty feet, and that from and after the passage of this act, the said map and the said act legally establishing the same, shall be and the same is hereby so far amended as to change and establish the width of said avenue T as fifty feet, instead of sixty feet as designated on said commissioners map.

Power of township committee.

2. *And be it enacted*, That any commissioners for opening said avenue T who may hereafter be appointed pursuant to the provisions of the existing acts of the legislature in relation thereto, shall, in addition to the power conferred thereby, in making their assessments of damage and benefit, also include and take into consideration the expenses and charges of said commissioners, and also the actual opening and regulating said avenue or street, and make their assessment accordingly in relation to owners and parties interested therein; and that after the provisions and requirements of the existing acts of the legislature in relation to the opening streets and avenues in said township shall have been complied with, the township committee of said township of Bayonne shall have full power, and shall forthwith proceed to open or cause to be opened, the said street or avenue T, and which, when so opened, shall become a public street or avenue for the use of the public at large; and, also, that the provisions of the existing acts in relation to the powers of the said township committee to raise money, and collect the assessments made by the commissioners appointed for the

opening of streets or avenues in said township, shall apply as well in relation to the collection of said assessments to be made by the commissioners for opening said street or avenue T, as the lien to be created in the event of the default in the payment thereof, in like manner as is provided in and by said existing acts for opening other streets and avenues in said township.

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

Approved March 15, 1866.

CHAPTER CLXXXVII.

An act for the relief of the Methodist Episcopal Church at Lower Bank.

Preamble.

WHEREAS, Ann Mapps, Timothy Pharo and William S. Lippincott, executors of the last will and testament of David Mapps, deceased, by deed under their hands and seals, duly executed bearing date the ninth day of May, in the year of our Lord eighteen hundred and forty-two, and recorded in book L 4 of deeds, page four hundred and ninety-eight, &c., in the clerk's office at Mount Holly, did grant and convey unto William H. Sooy, Job Weeks, Samuel Weeks, Reuben Cavalier, James Weeks, Joseph Allen and Asa S. Cramer, as trustees of the Methodist Episcopal Church at Lower Bank, in this state, a certain lot or parcel of land, situate in the township of Washington, in the county of Burlington, and state of New Jersey, bounded as follows, to wit: beginning at the southeast corner of the Lower Bank meeting house, at a tall oak the northeast side of Mullicas river, south twenty-seven degrees and thirty minutes, east ninety-two links from the corner of the grave yard and a large turkey oak and a stone; thence (1) south twenty-seven degrees and thirty minutes, east one chain and seventy-five links, to a stone for a corner; thence (2) north sixty-seven degrees and thirty minutes, west one chain and fifty links, to a stone for a corner; thence (3) north twenty-seven degrees and thirty minutes, west one chain and fifty links, to a

stone; thence (4) in the line of the aforesaid lot, south sixty-seven degrees and thirty minutes, east one chain and fifty links, to the beginning, containing one rood of land, more or less; and whereas, the said trustees did cause to be erected upon said lot a house for public worship, and in so doing did incur some liabilities, and afterwards, to wit, in the year of our Lord eighteen hundred and fifty-six, James Weeks, one of said trustees, departed this life, and Jonathan Cramer was duly appointed a trustee in his place, and in order to secure unto Samuel Weeks the moneys by him advanced in the erection of said building, Reuben Cavalier, Joseph Allen, Asa S. Cramer and Jonathan Cramer, as trustees as aforesad, did execute and deliver unto said Samuel Weeks a mortgage upon said house and lot of land, bearing date the nineteenth day of March, in the year of our Lord eighteen hundred and fifty-seven, and recorded in the office aforesaid, in book Y of mortgages, page five hundred and seventy-nine, &c., as by reference to the before ecited deed and mortgage, or the records thereof, will more fully appear; and whereas, William H. Sooy, Job Weeks, and Jonathan Cramer, three of the trustees aforesaid, have departed this life, and Samuel W. Sooy, John Hall and William T. Cramer have been appointed trustees in their places, and by reason of the said original trustees not having been a body corporate, they have no succession, but by mistake they took the said deed to themselves as individuals, and as such have mortgaged the estate of the church; and whereas, the present trustees have petitioned the legislature for relief, and that they may be enabled in good faith to carry into effect the intention of the trustees; therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Reuben Cavalier, Joseph Allen, Asa S. Cramer, Samuel Weeks, Samuel W. Sooy, John Hall and William F. Cramer, and their successors, be and they are hereby constituted a body corporate by the name of the "Trustees of the Methodist Episcopal Church at Lower Bank, in the county of Burlington," 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 concerning corporations," approved February fourteenth, in the year of our Lord eighteen hundred and forty-six, and shall be capable of taking and holding by gift,

grant or bequest such property, real or personal, as may be necessary for the purposes of the corporation.

Election of trustees.

2. *And be it enacted*, That the business and affairs of the said corporation shall be conducted and managed by seven trustees, who shall be citizens of this state; that the persons named in the first section of this act shall be the first trustees, and shall hold their office until others are appointed in their stead, a majority of whom shall constitute a quorum for the transaction of business; that trustees shall be elected annually on the first Saturday in January, and that notice of such election shall be given for at least ten days prior thereto; that the said board of trustees of said corporation may from time to time pass and adopt such lawful rules and by-laws 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 shall have power to lease, sell, convey or mortgage their said property, or any part thereof, for the purposes or benefit of the said church.

Land vested in trustees.

3. *And be it enacted*, That the lot of land particularly described in the deed from the executors of David Mapps, deceased, to the said William H. Sooy, Job Weeks, Samuel Weeks, Reuben Cavalier, James Weeks, Joseph Allen and Asa S. Cramer, trustees as aforesaid, shall vest in fee simple in and become the property of the said "Trustees of the Methodist Episcopal Church at Lower Bank, in the county of Burlington," the corporation created by this act.

Mortgage to be valid.

4. *And be it enacted*, That the mortgage executed and delivered to Samuel Weeks by Reuben Cavalier, Joseph Allen, Asa S. Cramer and Jonathan Cramer, as trustees aforesaid, hereinbefore particularly described, shall be and remain a subsisting and valid incumbrance upon the premises therein particularly described, and the said Samuel Weeks shall have the same rights and remedies under it as if the same had been executed by the corporation hereby created.

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

Approved March 15, 1766.

CHAPTER CLXXXVIII.

An act for the better preservation of sheep in the townships of Tewkesbury and Clinton, in the county of Hunterdon, and for other purposes.

Owners of dogs when liable for damages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter when any dog or dogs shall be caught killing or wounding sheep in the townships of Tewkesbury or Clinton, in the county of Hunterdon, the owners of such dog or dogs shall not be held liable in damages for the first offence; but after having received notice that their dog or dogs have been caught killing or wounding sheep as aforesaid, and refusing to kill them, shall be fined five dollars for each and every day said dog is suffered to live after said notice, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same, one-half to the prosecutor and the balance to the use of the township, and on non-payment thereof shall be committed to the common jail of the county for any period not exceeding sixty days, and until the fines and costs are paid.

Time of meeting changed.

2. *And be it enacted*, That the regular meeting of the township committee of said townships shall be changed from the first Monday of October to the first Tuesday after the first Monday of September in each and every year.

3. *And be it enacted*, That all acts or parts of acts inconsistent with this act, as they apply to the townships aforesaid, be and the same are hereby repealed.

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

Approved March 15, 1866.

CHAPTER CLXXXIX.

An act to incorporate the New Jersey Real Estate and Building Association of Essex County.

1. BE IT ENACTED *by the Senate and General Assembly of the*

State of New Jersey, That E. Bolles, junior, Henry R. Baker, W. H. Murphy, Henry Price, Nathaniel C. Ball, Staats O. Mead, A. M. Reynolds, Albert H. Brown, James L. Hays, Charles N. Lockwood, and such other persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the name of "The New Jersey Real Estate and Building Association of Essex County." Names of corporators.

2. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by ten directors, all of whom shall be stockholders, and a majority of whom shall be residents of this state, 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 of the day 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 Essex; 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 E. Bolles, junior, Henry R. Baker, W. H. Murphy, Henry Price, Nathaniel C. Ball, Staats O. Mead, A. M. Reynolds, Albert H. Brown and James L. Hays and Charles N. Lockwood. Election of directors.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing it to five hundred thousand dollars, which shall be divided into shares of ten dollars each; and as soon as three thousand shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so Amount of capital stock

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 two weeks in a newspaper in the county of Essex 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 sixty 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 subscription for the stock of said corporation shall be opened at such time and place and remain open such time in the said county of Essex 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.

Corporation not to be dissolved

4. *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 aforesaid as shall be prescribed by the by-laws of said corporation.

May purchase lands, &c.

5. *And be it enacted*, That the said corporation is hereby authorized and empowered to construct and erect buildings and public works, and to provide and procure and deal in the materials necessary therefor, and to purchase and hold such real and personal estate as may be necessary or expedient for their purposes, and to mortgage, loan or sell the same.

May make contracts and borrow money.

6. *And be it enacted*, That the said company may improve any part of the lands sold, leased or purchased by them by grading, paving, curbing, guttering, flagging the same, or by constructing sewers or drains, subject to the directions and regulations of the municipal authorities of any cities in which such improvements may be proposed by said com-

pany; and the said company may contract with any corporation or person or persons for the construction of any public works or improvements for such corporation or person or persons, and for the purpose of improving their property; and to enable them to raise money or to carry into effect the objects authorized by this act, the said company are authorized to issue their bonds, to an amount not exceeding thirty thousand dollars, bearing 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, such portion of the property of said company as the directors may deem necessary for that purpose.

Company may act as agents.

7. *And be it enacted*, That the said company may act as agents in the purchase, sale or exchange of real estate, effecting insurance, collecting rents, interests, etc.

Limitation.

8. *And be it enacted*, That this act shall take effect immediately and continue in force for twenty years, and the legislature may at any time amend and (alter) or repeal the same.

Approved March 15, 1866.

CHAPTER CXC.

An act to incorporate "Dexter Hook and Ladder Company Number One," in the township of West Hoboken, in the county of Hudson.

Preamble.

WHEREAS, a number of citizens associated themselves together, in the township of West Hoboken, in the county of Hudson, and state of New Jersey, in the year of our Lord one thousand eight hundred and sixty-five, under the name of "Dexter Hook and Ladder Company Number One," for the protection of the lives and property of their fellow citizens from detruction and loss by fire; and whereas, the said company believing they would be advantaged by having an enactment from the legislature of this state conferring acts of incorporation on them, respectfully ask that the same may be granted them; therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Angelo Francisco, John O'Keefe, Rodolph Francisco, Thomas Guinan, junior, Christopher Karb, William H. Casey, Albert Cox, Edward P. Sinclaire, Charles Sinclaire, William G. Quigley, junior, James Slater, Thomas Wells, junior, Isaac Traphagen, Thomas J. Day, August Grandjean, Thomas R. Scott, and all such citizens of the township of West Hoboken between the ages of twenty-one and fifty-five years, to the number of forty, as now are or may hereafter become members of said "Dexter Hook and Ladder Company Number One," of the township of West Hoboken, in the county of Hudson, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, under the name, style and title of "Dexter Hook and Ladder Company Number One," of the township of West Hoboken, in the county of Hudson, and by the same shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and by their corporate name, as aforesaid and under their common seal make, enter into and execute any contracts or agreements touching and concerning the object of said corporation; and shall have full power to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of five thousand dollars, which shall be solely and exclusively applied to procuring, maintaing and repairing such fire hooks, ladders, trucks, truck house, and such other apparatus, and to such other incidental expenses as the company shall hereafter deem proper to secure the property of their fellow-citizens from injury or destruction by fire.

Election of officers.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a foreman out of their body, and such other officers as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and that the said foreman shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over

to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the said company.

Money to be allowed for maintainance.

4. *And be it enacted*, That as soon as the township authorities of the township of West Hoboken shall form or sanction the formation of a fire department and obtain an act of incorporation therefor, this company shall have a right to come under its jurisdiction, but that in the meantime the company shall be entitled to such amount of money from the township authorities of West Hoboken as is requisite for its maintenance and repairs; *provided*, that it do not exceed the sum of one hundred dollars annually.

Proviso.

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

Approved March 15, 1866.

CHAPTER CXCI.

Supplement to an act in regard to Bounties in the county of Burlington, approved March seventh, eighteen hundred and sixty-five.

Collectors duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessment of the tax for the township of Beverly, county of Burlington, under the aforesaid act, shall be made by the collector of said township, and that the assessing and collecting the same by said collector is hereby ratified and confirmed.

Power of township committee.

2. *And be it enacted*, That the township committe of said township shall be and are hereby authorized to remit or deduct one-half of the tax assessed under said act, by said township upon all persons who have served not less than nine months as volunteers, or in the army and navy of the United States, and have been honorably discharged therefrom, and the action of said township committee thereon be and the same is hereby ratified and confirmed.

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

Approved March 15, 1866.

CHAPTER CXCII.

An act relating to the assessment and revision of taxes in the city of Newark.

Commissioners of assessment and revision of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of assessing the taxes required by law to be levied in the city of Newark and revising the same, a board of commissioners is hereby constituted to be known and designated as "The Board of Assessment and Revision of Taxes in the city of Newark," which board shall consist of five persons, four of whom shall be elected at the annual charter elections to be held in said city, and the fifth shall be appointed by the common council of said city upon the nomination of the Mayor thereof, as is hereinafter directed.

Duties.

2. *And be it enacted*, That the said board shall perform the duties now imposed by law upon the assessors of the several wards in said city, upon the board of assessors for the said city, and upon the commisioners of appeal in cases of taxation of said city, except as is hereinafter directed, which offices are hereby abolished, and the persons elected to fill the same discharged from the prosecution of the duties thereof, except the collectors of arrears of taxes as to taxes already assessed; the said board shall appoint annually, before the first day in April in each year, or as soon as possible thereafter, assistant assessors, not less than five in number, nor more than one for each ward, who shall severally hold their office during the pleasure of the board, and perform such duties in the way of procuring information, data and statistics, and such other clerical duties as may be devolved upon them by the said board; the said board shall appoint as assistant assessors for the present year, the persons who were elected assessors in the several wards, at the last charter election held in said city; immediately after the said first day of April in each year the said board shall proceed to make the valuations, enumerations and assessments required by law and equalize the same as required by the seventy-third section of the act to which this is a supplement; they shall tabulate and arrange the same in lists which shall exhibit, in alphabetical order or otherwise, the names of all persons, firms, companies or corporations liable to be assessed

to pay any tax, together with the value, enumerations and assessment of the objects liable to taxation for which each such person, firm, company or corporation is liable; they shall complete the said lists on or before the second Monday in June in each year, and shall give public notice by advertisement in such newspapers in their discretion as are published and generally circulated in said city, at least ten days prior to the said second Monday in June, that the said lists will be opened for public inspection, examination and correction at some suitable place in said city, on the said second Monday in June, and continue open until the second Monday in July then next ensuing, during which time the said public notice shall continue to be published; and during said time the said board shall proceed to hear and consider all complaints touching said valuations and assessments, and to increase, reduce, alter or modify the said lists according to law and as to them may appear just and equitable; *provided*, that no valuation or assessment shall be increased without a previous notice in writing of five days to the party interested, which notice shall be left by an assistant assessor or other person at his place of residence or business or sent to him by mail; and it shall be lawful for the said board in the performance of their said duties to require all parties liable to taxation to render an account of their taxable property in such manner as they shall direct, and to require by summons the attendance of witnesses and the production of books and papers in the manner and under the penalties hereinafter provided in the fifth section of this act; immediately after the adjournment of the annual meeting of the assessors of the county the said board shall proceed to fix and determine such a per centage upon the gross valuation of the assessable property in said city for said year, within and without the lamp districts as required by law, as will produce without exceeding the limitations provided by law, the amount of tax required to be raised for said year, which shall be declared by them to be the rate of taxation for said year, and they shall complete the said lists accordingly; the said board or such members thereof as they shall designate for that purpose, shall attend all meetings of the assessors of the county, which shall be convened according to law, and in the proceedings of said body shall be entitled to as many votes as there shall be wards in said city of Newark; within five days after the said second Monday in July, the said board shall deliver the said lists, so

completed and perfected, to the receiver of taxes for said city, and within the time required by law another copy to the city treasurer, both under the oath or affirmation of the president or some other member of said board; the common council of said city shall in no case have power to remit or reduce any taxes so assessed in said city.

Assistant assessors.

3. *And be it enacted*, That the notices or demand of payment of said taxes now required by law to be served by the assessors, shall be served by the assistant assessors, who shall also make out and forward the enrolled schedules of persons liable to perform military duty as required by law, the compensation for which services shall be made as now provided by law.

Time of meeting.

4. *And be it enacted*, That the board shall meet as aforesaid on the second Monday in September in each year, of which meeting ten days notice shall be given as aforesaid, at which time and from day to day thereafter, they may hear and determine appeals from said assessments and valuations by all persons who will make it appear by affidavit to the satisfaction of said board that they were absent from the city or disabled by sickness during the whole interval from the second Monday in June to the second Monday in July above mentioned; the said board may upon sufficient proof by the vote of a majority of the whole number of the members of said board and not by a less number, correct the valuations and assessments of said appellants, as they may deem right and proper, and give to said appellant a certificate thereof; immediately upon concluding their duties they shall deliver to the auditor of said city a true and particular statement of all taxes so remitted, reduced or increased by them; if any person whose assessment shall have been changed as aforesaid by said board shall have already paid his taxes for said year, he shall present the said certificate to the said auditor who shall compare the same with the statement presented to him by said board as above mentioned, and if found correct he shall audit and certify the same; the said certificate or voucher shall thereupon be presented to the city clerk who shall draw a warrant in the manner provided by law.

Penalty in case of refusal to give information.

5. *And be it enacted*, That in case of the refusal of any person when called upon by the said board or their officers, agents, or assistant assessors, to give his name, or any information required for the purposes of this act, or in case of the refusal of the proprietor or keeper of any dwelling

house, boarding house, or inn, to give the names of the residents of said house, or any such other information as aforesaid, or in case any person shall deliver to any of said officers any list, statement or return which in the opinion of the board may be false or fraudulent, it shall be lawful for the said board to summon such person so refusing, or delivering such list or statement as aforesaid, to appear before the said board, and to give testimony and to answer any questions, under oath or affirmation, which oath or affirmation any member of said board is hereby authorized to administer, respecting any matters in the opinion of said board connected with the discharge of their duties, such summons may be served by any of said assistant assessors, in case any person so summoned shall neglect or refuse to obey such summons or to give testimony or to answer questions as required, it shall be lawful for said board upon affidavit proving the facts, to apply to any judge of any circuit court of said state or of the court of common pleas of the county within the said city for an attachment against such person as for a contempt, it shall be the duty of such judge to hear such application and if satisfactory proof be made, to issue an attachment directed to any constable or police officer of said city for the arrest of such person, and upon his being brought before them to proceed to a hearing of the case, and the said judge shall have power to enforce by imprisonment in the county jail, obedience to the requirements of the summons and payment of the costs of said proceeding to be taxed by said judge.

First directors.

6. *And be it enacted*, That James G. Barnet, Horace J. Poinier, John McGregor and Nathaniel C. Ball, together with the person to be appointed by the common council as aforesaid, shall constitute the first board; they shall annually elect one of their number to be president, and may make rules and regulations for their own government not inconsistent herewith, and shall determine by lot or otherwise, the terms during which the members (other than the members to be appointed as aforesaid) shall hold their offices, and these shall be as follows: two of them shall remain in office one year, and two of them two years, to be severally computed from the first Tuesday after the first day of January next; a majority of the said board shall be a quorum for the transaction of business; they may employ from time to time such clerks and assistants as may be necessary in the performance of their duties.

Term of officers.

7. *And be it enacted*, That at the charter election to be held in said city in the year one thousand eight hundred and sixty-six, and every year thereafter, there shall be elected two members of said board, each of whom shall hold his office for the term of two years; no elector shall vote for more than one person as a member of said board, but 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; the said election shall be held and conducted in the same manner, and be subject to the same rules and regulations, except as hereinafter provided, and the person to be so elected, shall possess the same qualifications as are or shall be presented in the case of the election of municipal officers of said city; the two persons receiving the highest number of votes shall be declared members of said board, and shall enter upon the discharge of their duties on the first Tuesday after the first day of January next succeeding such election; any vacancies that shall occur in any of the members of said board, shall be filled by the said common council on the nomination of said mayor as aforesaid, but the person or persons so appointed, shall hold his or their office only for the residue of the term for which he or they may be so appointed.

8. *And be it enacted*, That the first member of said board so nominated by the mayor and appointed by the common council as aforesaid, shall hold his office until the first Tuesday after the first day of January, eighteen hundred and sixty-eight, and the person to be so nominated and appointed thereafter shall hold his office for the term of two years, and shall possess the same qualifications above mentioned.

Oath to be made.

9. *And be it enacted*, That each of the first members of said board, and each member who may hereafter be appointed to fill a vacancy in said board, and each assistant assessor, before he enters upon the execution of the duties of his office, and each person who may hereafter be elected or appointed a member of said board for a full term of office as is hereinbefore directed, within forty days after the commencement of his term of office, shall take and subscribe the oaths of office prescribed by the twenty-fourth section of the act to which this a supplement, and in case of his failure so to do, his said office shall be deemed vacant.

Certificate to be filed.

10. *And be it enacted*, That immediately after the appointment of said assistant assessors as aforesrid, the said board

shall file in the office of the city clerk a certificate of said appointment.

Common council to furnish office, &c.

11. *And be it enacted*, That the common council of the city of Newark shall furnish a suitable office for said board with the necessary furniture, stationery, books and conveniences for the transaction of their business; the members of the said board shall each receive for his services the sum of five dollars for every day in which he shall be actually employed in said service; the said assistant assessors shall each receive according to the judgment and discretion of said board either a per diem allowance to be paid by said board, or fees not greater than those heretofore provided by law to be paid to the assessors of said city of Newark; and the said clerks and assistants of said board shall receive such compensation as may be determined by said board; all claims under this section shall be certified by the said board and presented to the common council for payment in the manner prescribed by law.

Contract between borrower and lender.

12. *And be it enacted*, That it shall and may be lawful for the borrower and lender of any moneys secured by mortgage upon personal or real estate situated in said city to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes which may be assessed upon the money so lent or to be loaned, and the securities for the payment thereof, and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contract or agreement any thing in any existing law of this state to the contrary notwithstanding.

Real estate when not exempt.

13. *And be it enacted*, That in case any real estate in said city shall be subject to a mortgage held by corporations whose funds, investments and securities are by law exempt from the tax, the said real estate shall be assessed at its full valuation without any deduction for said mortgage.

Duties of receiver of taxes.

14. *And be it enacted*, That the duties now required by law to be performed by the collectors of arrears of taxes, shall as to all taxes to be hereafter assessed, be performed by the receiver of taxes for said city, who shall possess the powers, perform the duties and be liable to the penalties and forfeitures so far as the same are consistent with the provisions of this act which belong to or are now imposed upon the collectors of arrears of taxes, the warrant or warrants di-

rected to be issued by the eightieth section of the act to which this a supplement shall be directed to the said receiver, and shall have the same force and effect, and be proceeded upon in all respects in the same manner as in the case of tax warrants authorized to be issued under the provisions of the said section, all proceedings in regard to the collection of the arrears of taxes already assessed shall be continued to their completion as if this act had not been passed, the said receiver of taxes is hereby authorized to appoint from time to time with the consent and sanction of the finance committee of the common council, such number of deputies not exceeding five as may be necessary to execute the said warrants and perform such duties as may be devolved upon them by the said receiver and committee, and the said deputies when so appointed, are hereby invested with full power to perform the said duties; they shall be liable to removal from office by the said receiver and committee at any time, and before they enter upon the execution of the duties of their office shall take and subscribe the oaths of office prescribed in the twenty-fourth section of the act to which this is a supplement, and shall give bonds to the city of Newark for the faithful performance of their duties in such sum as may be directed by the said finance committee, they shall make returns and payments and render their accounts to the said receiver at such times and in such manner as may be prescribed by the said receiver and committee, and shall receive as compensation for their services the fees now allowed by law to be collected and received by the collectors of arrears of taxes, the said receiver shall not be liable for any default of the said deputies, all the provisions of law which require the election of assessors, commissioners of appeal in cases of taxation, and collectors of arrears of taxes in said city are hereby repealed.

Repealer.

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

Approved March 15, 1866.

CHAPTER CXCIII.

An act to incorporate the Brainard Institute of Cranberry, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Farr, Derrick Perrine, Elias Dey, Garret A. Snedeker, William L. Schenck, Ezekiel Silvers, and Isaac Brokaw and their associates, shall be, and are hereby, created, declared and constituted a body corporate and politic in fact and in name, by the name and style of the "Brainard Institute of Cranberry," and by that name they and their successors shall have perpetual succession, and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever; they may make a common seal, purchase, take and have, hold, receive and enjoy any lands tenements or hereditaments, in fee simple or otherwise, or any goods, chattels, legacies, donations, annuities, or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same may grant, convey, assign, sell, or otherwise dispose of for the purposes of said corporation; and the said association hereby incorporated shall succeed to, and is hereby vested with all the property, rights and privileges intended in this act, and that all property acquired by the said corporation shall be used expressly for the same. Names of corporators.

2. *And be it enacted*, That the object of this corporation shall be the advancement of the education of both sexes. Object.

3. *And be it enacted*, That the capital stock of this corporation shall be ten thousand dollars, with the privilege of increasing it to twenty thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be considered personal property and transferable on the books of the corporation, and any person holding one or more shares of stock shall be a member of the corporation, and shall be entitled at all meetings of the stockholders or at any election or question at issue, to cast one vote in person or by proxy, for every share of stock by him or her owned, and standing in his or her name on the books of said corporation; and that whenever seven thousand dollars shall be subscribed of said stock, the trustees may issue the same to the stockholders and may do all other things necessary to carry out the objects of this corporation. Amount of capital stock

Trustees.

4. *And be it enacted*, That this corporation shall be managed by a board of trustees, seven in number, stockholders in said corporation, four of whom shall be members of regular Presbyterian churches, a majority of whom shall constitute a quorum; and George Farr, Derrick Perrine, Elias Dey, Garret A. Snedeker, William L. Schenck, Ezekiel Silvers and Isaac Brokaw shall be the first trustees of said corporation, and until their successors shall be appointed.

Election of trustees.

5. *And be it enacted*, That the said trustees shall be elected annually thereafter on the last day of the academic year, at a meeting of the stockholders, to be held at the institution, and by a majority of the votes legally cast by the stockholders and representatives of stock; the trustees heretofore named, and their successors thus elected, shall have power to make by-laws for their own government and that of the institution and its officers, which by-laws shall not be repugnant to the laws of this state nor of the United States; to prescribe number and description, the duties and power of the officers, the manner of their appointment and the term of their office; to fill vacancies occurring in their own body by means of death, removal, inability or refusal to serve of any person elected; and in the event of any failure or neglect of the stockholders to hold an election on the day annually appointed therefor, said trustees shall continue in office until a new election shall be held, either at a special meeting of the stockholders, to be held upon twenty days' notice being given by advertisement in any newspaper published in the county of Middlesex, or at a subsequent annual meeting; the said trustees shall at their first annual meeting, and annually thereafter, elect a president, secretary and treasurer, and appoint such other officers and fix compensation for the same, as they may from time to time deem necessary; and special meetings of said trustees may be called by the president or any three 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.

Degrees.

6. *And be it enacted*, That the said institute is hereby authorized to confer degrees and grant diplomas, upon such conditions and under such rules and regulations as the said board of trustees may adopt.

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

Approved March 16, 1866.

CHAPTER CXCIV.

An act to incorporate the "St. Francis Xavier Roman Catholic Church, of Trenton, New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Paffe, John Demmer, Nicholas Zimmerman, Henry Cook, Andrew Schleer and Benedick Mayer, and all other persons who may be hereafter associated with them and their successors, be, and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of the "St. Francis Xavier Roman Catholic Church, of Trenton, New Jersey," and by that name they and their successors may have perpetual succession, and shall and may at all times hereafter be capable in law of having, purchasing, holding, possessing and enjoying any lands, tenements, hereditaments, and personal property, purchased, devised and bequeathed by any person or persons, or body corporate or politic, capable of making the same; and to grant, demise, alien, sell and convey the same at pleasure for the benefit of the said church, to sue or be sued, implead or be impleaded in any court of law or equity, and to have and use a common seal, and to alter and renew the same at pleasure, and also to make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well-ordering and government of the said church, and to put the same in execution; *provided*, that said by-laws and regulations shall not be contrary to the laws of this state or of the United States. Names of corporators.

2. *And be it enacted*, That all the property and temporal affairs of the said church shall be managed and conducted by six trustees, who shall continue in office one year, and until others shall be chosen in their place, and they shall choose out of their number a president, secretary and treasurer; all vacancies in the office of the said trustees may be filled for the remainder of the term, by such person or persons as a majority of the trustees for the time being may appoint, and a majority of the whole number of said trustees shall constitute a quorum for the transaction of business. Trustees to be chosen.

3. *And be it enacted*, That William Paffe, John Demmer,

First trustees.

Nicholas Zimmerman, Henry Cook, Andrew Schleer and Benedick Mayer, shall be the first trustees of the said church, and that hereafter a board of trustees may be elected annually at the usual place of meeting of the congregation of the said church, at such time, and in such manner as the by-laws of the said church may prescribe, giving at least ten days public notice immediately preceding such election.

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

Approved March 16, 1866.

CHAPTER CXCV.

An act to incorporate the American Railway Passenger Coach Company.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James C. Hoyt, Robert F. Stockton, junior, C. Spooner, Henry Sandford, Alexander C. Diven, William H. Vanderbilt, Richard M. Blatchford, Nehemiah Perry, Clarence A. Seward, William P. Smith, Josiah O. Stearns, Thomas A. Scott, Robert S. Green and Alfred Gaither, and their associates and all persons who are or may be holders of the stock hereafter mentioned, are constituted a body corporate by the name of the "American Railway Passenger Coach Company," with full power to sue and be sued, implead and be impleaded in all courts, to make and use a common seal, and may from time to time procure, manufacture, purchase, hold, manage and use vehicles, coaches and cars upon any railroad or railway in the United States, and may purchase, hold, use and dispose of such personal property, and may purchase, hold and convey so much real estate as may be necessary for the carrying on of their business in furnishing, managing and using passenger coaches upon such railroads and railways as they may agree with so to do; *provided*, that the principal place of the business of said company be located in either the county of Hudson, Essex or Union.

Proviso.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, with the liberty to increase the same by a vote of a majority of

the board of directors from time to time, until the same shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and the said corporation may begin operations when twenty per centum of the capital stock shall have been paid in in cash.

3. *And be it enacted*, That the subscription of said stock shall be open at such place as the directors shall designate, 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.

Election of directors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday in January in every year, and until others are appointed in their place, and that the said directors shall be chosen on the third Monday of December in every year, at such hour and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner to be provided for in the by-laws, and the five persons shall be the directors who shall receive the greatest number of votes; and if it shall happen that any vacancies occur in any manner, such vacancy may be filled by the remaining directors or a majority of them, at any meeting of the board of directors until the time when the persons elected at the next election for directors shall take their offices by virtue of said election, and until after those elected at the first election shall enter upon the duties of their office, the five persons shall be directors of the company who shall be elected by a majority of the corporators herein named from their number, and that the said corporation may keep offices in New York city or elsewhere as the business of the company may require, and the directors shall appoint the president and such other officers and agents as they may deem proper for the government of the corporation and the management of their business, and make and establish all needful by-laws, rules and regulations for the conduct of their affairs; *provided*, such by-laws, rules and regulations shall not conflict with the constitution and laws of this state or of the United States.

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Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said com-

pany, and no dividend shall be made to and among the stockholders except from and out of the profits of the said corporation.

Not to be dissolved by failure to elect.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day on which pursuant to this act it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be directed by the said company.

Books of account to be kept.

7. *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 and kept all the transactions of the said company, which books shall at all times be open to the inspection of the stockholders of the said company.

Limitation.

8. *And be it enacted*, That the said corporation shall continue in existence for thirty years, and that this act shall go into effect immediately.

Approved March 16, 1866.

CHAPTER CXCVI.

An act to incorporate the Mount Hope Mineral Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin G. Clark, Elias M. White, Joseph H. Scranton, Alexander H. Wallis, Selden T. Scranton, I. Couper Lord and William G. Lathrop, and such other persons as shall be hereafter associated with them, are hereby constituted and declared to be a body politic and corporate by the name of the Mount Hope Mineral Railroad Company.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be two hundred thousand dollars and shall be divided into shares of one hundred dollars each, which shall be considered and deemed personal property, and transferable in such manner as the by-laws of the said corporation shall direct.

Subscription books to be opened.

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

places as they or a majority of them may think proper, giving notice thereof for at least ten days prior to the opening of said books, by publishing the same in one newspaper published at Morristown.

Election of directors

4. *And be it enacted*, That at the times of subscription for said stock the sum of fifteen dollars shall be paid on each share subscribed for to the said commissioners above named, and when two hundred shares of the capital stock shall have been subscribed for, 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 to choose seven directors, a majority of whom shall be residents of this state; the election shall be held in this state and 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 any two of them, who shall attend for that purpose, shall be inspectors of such election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected as such, and shall deliver over to them the subscription books and the money paid in, 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 number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein this may happen by the said board of directors or a majority of them, at any meeting of said board for that purpose duly called; 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 said corporation shall provide.

Not dissolved for failure to elect.

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 should 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 on like notice as aforesaid, and the directors for the time being shall continue in office until others be elected in their stead.

Payment of installments

6. *And be it enacted*, That four directors of the 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 twenty-five dollars on each share; *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 of any one of them, to forfeit the share or shares upon which such default shall arise.

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Construction of road.

7. *And be it enacted*, That the president and directors of said corporation shall be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from the iron mines known and called "The Mount Hope Mines," in the townships of Rockaway and Randolph, in the county of Morris, and extend as far as it may be necessary to form a suitable connection with the Morris and Essex Railroad and Morris Canal at convenient and accessible points on the same by a convenient route or routes and of constructing such spurs or branch roads as may be necessary for the making of such connections or any of them, and to afford access to adjacent mines in the county of Morris subject to the restrictions herein contained, and it shall be lawful for said company to lay out and locate said railroad and spurs or branches authorized sixty feet in width, with as many sets of tracks and rails as they shall deem necessary, and to take and appropriate land necessary for such purposes in the manner and form upon making payment therefor as is hereinafter provided, and for the purpose of cutting embankments and the procuring of gravel and stone, may in the manner, form and upon the terms and conditions hereinafter prescribed, take as much more land as may be necessary for the proper construction and security of the road, and said company are invested with all powers necessary or convenient to survey, lay out, construct and maintain said road and spurs or branches, and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands and waters for the purpose of exploring, leveling, surveying and laying out a practicable route for such railroad and spurs or branches and of locating the same, doing no unnec-

essary damage to private property, and when the route and location of said road or the branches or spurs, or either or any portion thereof, shall have been settled and 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 do all other things which may be suitable and necessary for the completion and repairs of such railroad and branches; and to carry into full effect the objects of this act, when and so soon as said corporation shall have obtained the right and title to the lands or the use of the same upon and over which said railroad is located and laid out, and subject to such compensation, provisions and regulations, and upon such terms as are hereinafter provided for.

Proceedings when company and owners 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 any such required lands, for the use or purchase thereof, or in case the owner or owners of any such required lands shall neglect or refuse to accept the offer of the said company, to submit to the arbitration by three residents and freeholders of said county in which said lands lie, of the value of and damages to the said required lands by the location and construction of said railroad over the same, one arbitrator to be named by the owner or owners of the said lands, one by the said company, and the two thus chosen to select a third, the decision of a majority of whom shall be conclusive and binding upon both parties, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands so required for the use of said company in the construction of said road, and impossible to be obtained by the means or by reasons of the disabilities aforesaid, shall be given in writing under oath or affirmation of some engineer or proper agent of said company; and also the name or names of the occupant or occupants, if 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 person or 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 aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of the county in which the lands lie, commissioners to examine and appraise the said lands and assess the price or value of the same, and the damages sustained by the owners thereof arising from the removal, making and maintaining the fencing on the line of the said railroad through any improved lands over which the same may run, upon such notice, not less than ten 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 to make a just and equitable appraisement or estimate of the value of the same, and an assessment of the damages thereto, 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 or affirmations aforesaid, in the clerks' office of said counties in which said lands lie, to remain on record therein, which report, or in the 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 assessed or found, 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 fees, costs and expenses to the justices, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and just, and order and direct the same to be paid by said company; *provided always*, that if the owner or owners of

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the said land shall elect not to receive the sum awarded by the commissioners for the damages arising from the removal, making and maintaining the fencing as aforesaid, and shall notify the company thereof in writing within ten days after said award, the company shall retain the said sum and themselves make, remove and forever thereafter maintain said fencing.

Proceedings in case of appeal from report of commissioners.

9. *And be it enacted*, That in case the said company, or the owner or owners of the land and materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have 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 issues to be tried at the next circuit court to be holden in the said county in which the said lands 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 lands or materials and damages sustained as aforesaid, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of said sum found by 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 the 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, or residing out of this state, the same being first paid into the court of chancery.

10. *And be it enacted*, That it shall be the duty of the said company, in order to avoid cutting the adjacent farms, to lay their tracks along the side of the public roads, or along the lines of division between real estate owners, so far as the directors shall deem the same practicable, and 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 shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be impeded thereby, and good and sufficient fences along the said railroad where the said company assume or are by the provisions of this act compelled to maintain the same; 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 further, that for all injuries and damages to the property, real or personal, of any person, occasioned by, through or in any way by reason of the neglect, carelessness, intent, or act of the said company, their agents, employees or property, the said company shall become and be responsible therefor and liable to pay the same, to be recovered in any court of record of competent jurisdiction in this state.

Rates of transportation.

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 railroads all machinery, engines, cars, wagons, carriages or vehicles for the transportation of 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 every species of property whatsoever thereon, as they from time to time shall think reasonable and proper, not exceeding twelve cents per ton per mile on so much of any description of freight as shall pass over the whole length of the said road, nor exceeding fifteen cents per ton per mile on any freights which shall pass over a distance less than the whole length of the road; and the said railroad and its appendages and 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.

May purchase and hold real estate.

12. *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, depots, and such other

buildings and improvements as may be necessary for the safety of their property and the transaction of their business.

Penalty for injury to works.

13. *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 the sum of fifty dollars, in addition to 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 of cost and expenses to be filed.

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

Proceedings for acquiring title in case of error.

15. *And be it enacted*, That in case it shall at any time appear that, by reason of any mistake or error in the proceedings for acquiring the title of lands for the road or roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be

lawful for said company to proceed anew, in the manner hereinbefore provided and directed, to acquire the right and title to any such lands.

Contracts.

16. *And be it enacted*, That it shall be lawful for the said company to make contracts and engagements with any other corporation, or with individuals, for transporting and conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

May issue bonds.

17. *And be it enacted*, That the said company shall have the power, and they are hereby authorized to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads, and all the appurtenances, franchises, powers, privileges and rights belonging thereto, which they may possess under their act of incorporation, to such amount as they may deem expedient, not exceeding at any one time two-thirds of the paid up capital of said company, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated shall be valid and binding in law and in equity, and the purchaser or purchasers, under a decree in equity or foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by the said company, under or by virtue of their act of incorporation and the several supplements thereto, subject nevertheless, to all the restrictions, conditions and limitations contained therein.

Legislature may repeal.

18. *And be it enacted*, That this act may be altered, amended or repealed at the pleasure of the legislature, and shall take effect immediately, and shall continue in force for the period of twenty-five years.

Approved March 16, 1866.

CHAPTER CXCVII.

An act to incorporate the Long Branch and Deal Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the ca-

pital stock of the Long Branch and Deal Turnpike Company shall be opened by Abner Allen, William Hathaway, William R. Maps, John A. Morford, John Slocum, Zebulon W. Scriven, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them may direct, giving notice at least ten days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commission to open books of subscription.

2. *And be it enacted*, That the capital stock of the said company shall be five thousand dollars, with liberty for the said company to increase the same to a sum not exceeding twenty-five thousand dollars, and shall be divided into shares of fifty dollars each; and that when fifty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of the "Long Branch and Deal Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of said company into effect. Amount of capital stock

3. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for to the commissioners or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments at such times and at such places, and to such persons as the president and directors of the company shall from time to time direct or give public notice thereof in manner aforesaid, and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that the stockholders shall upon request have the right to pay the stock subscribed for, except the first installment, by work upon said road under such regulations, and at such time and upon such notice as the directors may determine. Installments to be paid. Proviso.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company be not subscribed for within three years from the time of opening the said 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 subscrib- Act to become void.

ers, or their representatives, in proportion to the sums paid in by them.

Election of directors.

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

Election of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall be a citizen of this state and a resident of the county of Monmouth, who shall hold his office for one year 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 stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority and perform all duties herein prescribed.

Directors to fill vacancies.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy in the interval between the annual elections by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident of 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 deem 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 deem expedient for regulating the transfer of stock and for the general government of the company and management of its affairs; *provided* the same are not repugnant to the constitution or laws of this state or the United States.

Annual statement.

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

Annual meetings.

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

Not to be dissolved by failure to elect.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be held 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 held 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.

Construction of road

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Branchport, in the county of Monmouth, to Great Pond, in said county, and with liberty to extend the same upon the public highway to Squan Village, in same county, with same powers and restrictions as in the construction of said turnpike road upon the first named course; beginning on south side of the bridge across Branchport creek and ending on the north side of the bridge across Great Pond, in the same county, which said turnpike road shall be constructed on and

along the public highway leading from Branchport through Long Branch village to said Great Pond, except in those places where the said public highway is not straight; then and in those places the said company shall have power to construct the said turnpike road where they may deem proper, and that the width of said turnpike road may be made equal to fifty feet, and to be measured from the centre of the present 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 the 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 the 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 materials 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 hereinafter named, if appointed, shall have power to assess damages for the right of way only.

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Width of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least twenty (20) 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 (16) feet thereof shall be 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 is passing over low ground shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause 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

burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining such road, and that when such company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company for the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners, if known, and their residence if the same can be ascertained, to one of the judges 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 such lands or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice 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 to make a true report, to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land and materials and damages aforesaid, and to make a report thereof, under the hands

and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein and shall be recorded by the clerk, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials after the 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 costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage, and payment of said assessments shall be made to the owner or owners or persons entitled to receive the same, or to the clerk of the court of common pleas of Monmouth county, whenever the judge appointing the commissioners shall so order; and the said justice shall tax and allow such costs, fees and expenses to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and 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 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 four in number, and to demand and receive toll for traveling each mile and all fractions over a quarter of 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

or calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship, 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 military officer or soldier passing or repassing when called to duty by the laws of this state or of the United States. Proviso.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance said stone is from Long Branch village, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of all 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." Mile stones to be erected

16. *And be it enacted*, That if any person shall wilfully break down, 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 rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gate, turnpike or bridge that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn off the said road to pass the said gate or gates upon private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay a penalty of five dollars, to be recovered by said company for the use thereof in an action of debt with costs of suit. Penalty for injuring works.

17. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveler passing at any of the Penalty for taking illegal toll.

gates or turnpikes, or shall receive more toll than is by this act established, the said company 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 the carriages, sleighs or sleds of every description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their carriages, horses, sleighs or sleds upon the right hand of said road in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback, and if any shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when road bridges are not 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 be made to any judge of the court of common pleas of the county of the said Monmouth, who may be disinterested, the said judge shall immediately appoint by writing, under his hand and seal, three disinterested freeholders and residents of the township of Ocean, in said county of Monmouth, which three persons 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 judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road complained of, and to report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavorable to said road, the said judge shall immediately under his hand and seal order the keeper of the gate or turnpike to keep the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge to open said gate or turnpike, exact toll of travelers, the said company shall for each offence forfeit and pay 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 judge 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 judge, who shall, if authorized by the report of the said persons or any two of them, by license under his hand and seal directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same 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 be paid by the person or persons making the complaint.

Toll gates to be erected

20. *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.

Restrictions and liabilities.

21. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

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

Approved March 16, 1866.

CHAPTER CXCVIII.

An act to release and discharge the interest and estate of the state of New Jersey in and to the lands of Peter J. Cucuel, late of the county of Morris, deceased.

Preamble.

WHEREAS the said Peter J. Cucuel, on or about the twelfth day of October, eighteen hundred and sixty-four, with Thomas E. Allen and Oscar Lindsley as his sureties, before Alexander Dickinson, esquire, a justice of the peace in and for the county of Morris, did acknowledge a recognizance conditioned that said Peter J. Cucuel should keep the peace towards his wife Elizabeth; and whereas the said Peter J. Cucuel did afterwards kill his wife, by

means whereof the said recognizance became forfeited, and whereas the said Peter J. Cucuel has been convicted and executed in the county of Morris for the murder of his said wife; and whereas it appears that the said Peter J. Cucuel devised all his lands to and for the use of his youngest child, a boy of eight or nine years of age, and that said real estate is of small value and not more than sufficient to bring up and educate the said boy; therefore,

State interest released.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lands and real estate which belonged to the said Peter J. Cucuel at the time of his death be and the same hereby are released and discharged from the said recognizance, and all the lien, estate, right, title and interest of the state of New Jersey in and to the lands and real estate of the said Peter J. Cucuel by virtue of the said recognizance shall be and the same are hereby released and forever discharged.

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

Approved March 16, 1866.

CHAPTER CXCIX.

Supplement to an act entitled "An act to incorporate the town of Hackettstown, in the township of Independence, in the county of Warren."

Commissioners to make award.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of said town of Hackettstown be and hereby are invested with the power to lay out and open the street to be called Madison street, in said town, from the Rockport road to Centre street, and three hundred and fifteen feet from and parallel to Washington street, and sixty-six feet wide, and for that purpose to take so much land and remove fences, trees, and obstructions as may be necessary therefor by paying to said land owners a fair compensation for said land, trees and other obstructions; and in case no agreement of the amount can be made between said land owners and said common council, then said amount may be ascertained by three com-

missioners appointed by any one judge of the court of common pleas for that purpose whose award or the award of a majority of them under hand and seal, shall be deemed final and conclusive between the parties.

2. *And be it enacted*, That said mayor and common council shall have like powers and privileges with respect to the opening of any other street, or extending those already opened in said town under like restrictions and conditions. Powers and restrictions.

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

Approved March 16, 1866.

CHAPTER CC.

A supplement to the act entitled "An act to incorporate the Washington Gas Company, of the County of Warren," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the said corporation be and the same is hereby changed to that of "The Washington Gas and Iron Works of the County of Warren," and that it shall be lawful for said corporation to increase their capital stock to three hundred thousand dollars, with the privilege of further increasing the same to five hundred thousand dollars, to be issued at such times and in such manner as the board of directors may think best, and ten per centum on each share of stock subscribed for shall be paid in in cash at the time of such subscription. Capital stock increased.

2. *And be it enacted*, That in addition to the purposes specified in the first section of the act to which this is a supplement, the said corporation shall be and hereby is authorized to carry on the mining, smelting, manufacturing, rolling and vending iron, minerals, earth's metallic substances, and other commodities and articles of which iron, steel or brass form a constituent part, and to manufacture stoves, steam engines, mill gearing, car wheels, and all and any branch of the foundry business, and also to manufacture any and every kind of machinery, in the township of Washington, in the county of Warren. Powers increased.

For lighting public grounds, &c.

3. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas works, posts, burners and reflectors in the streets, highways, alleys, avenues or public grounds of the township of Washington, in the county of Warren, and to do all things necessary to light the said township, or any part thereof, and the dwellings, stores, manufactories 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, highways, alleys, avenues and public grounds shall be left in as good and perfect condition as before the laying of the said pipes, or the erection of the said posts.

Penalty for injury to works.

4. *And be it enacted*, That if any person shall wilfully do or cause to be done any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or other structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding one year, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, in the name of the said corporation in any court having cognizance of the same.

Proviso.

5. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be entered all the transactions of the said corporation, which shall be open to the inspection of the stockholders.

Restrictions and limitations.

6. *And be it enacted*, That the said corporation shall have all the powers and privileges, and be subject to the restrictions, limitations and conditions, contained 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 and the act to which this is a supplement.

Approved March 16, 1866.

CHAPTER CCI.

An act to authorize the owners of real estate in the village of Haddonfield, in the county of Camden, to improve the sidewalks in the public streets of said village.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners of houses and lots of land, situate and bounding on the following streets within said village of Haddonfield, that is to say: Main street from Hopkins' mill road at Robert Hare Powell's corner, to Union street; Ellis and Potter streets, from Main street to their junction; Grove street, from Main street to Haddon bridge; the Haddonfield and Camden turnpike road and Tanner street from Main street to Mechanics street, and the mill road respectively, and the street between Matlack's hotel and Mickle Clement's store, from Main street to the said turnpike road, are hereby authorized to meet at the town hall in the said village of Haddonfield, on the second Tuesday in April next, at two o'clock in the afternoon, and annually thereafter on the second Tuesday of April, at the same hour, at such place, in said village, as shall be determined at a previous annual meeting; and when so convened, the owners of real estate in said village, then and there present, shall appoint a moderator and such other officers as shall be necessaay to carry out the object and purpose of the meeting. Time of appointing moderator and officers.

2. *And be it enacted*, That the owners of real estate when assembled as provided in the first section of this act, shall elect by ballot, three suitable persons, being owners of real estate within the said village, to be styled and known as "Street Commissioners," one assessor, and one collector of taxes, and three commissioners of appeals in cases of taxation, to continue in office for one year, and until others are duly elected to fill their places; the said meeting shall also determine the time of opening and closing the polls at such election; *provided*, the polls shall be kept open for receiving votes, for a space not less than two hours; the said meeting shall also determine the amount of money to be raised by tax on the real estate situated in said village, and within the boundaries above specified, to be used by the direction of the said commissioners for the purposes set forth in this act, which money so ordered to be raised by tax, shall be assessed Election of commissioners, &c. Proviso

and collected in the same manner and under the same laws, rules and regulations as are provided for the assessment and collection of state, county and township taxes.

Duties of Commissioners.

3. *And be it enacted*, That it shall be the duty of the street commissioners of the said village, to make, and establish ordinances and regulations for the leveling, grading, curbing, regulating, paving and flagging of the sidewalks of the said village; the work to be done by the owners or occupants of lots fronting or adjoining such sidewalks, and to be superintended by the said street commissioners, who shall prescribe the manner and with what suitable materials the work shall be done; but the said materials for paving to be either brick, wood or stone; if the owner or legal representative or guardian of the owner of any lot, in front whereof the walk shall, by such ordinance or regulation, be directed to be leveled, paved, graded, regulated or flagged, shall neglect to comply with such ordinance, or regulation, within four months after the passage and publication of the same, it shall be the duty of said commissioners or a majority of them, to cause the work to be done, agreeably to the ordinance, for such persons so neglecting, and to cause a particular statement and account of the expenses of the said work to be rendered to said owner or owners, and record the same in the book of minutes to be kept by the said commissioners and requiring the owners or legal representatives or guardian of the owner, as the case may be, to pay the same to the collector of the said village at a certain time by them fixed for the payment thereof, and appointing a certain time and place where such lot will be sold, at public auction (if default be made in such payment) for the lowest term of years at which any person shall offer to take the same, in consideration of paying the amount due as aforesaid; and if notwithstanding such notice and demand, the owner or owners of such lot or lots or the legal representative or guardian of such owner or owners shall neglect to pay the amount due as aforesaid, with the costs, interest and charges thereof, for the space of three months after demand made as aforesaid, it shall be lawful for the said commissioners to cause the said lot or lots to be sold at public vendue for a term of years, for the purpose of realizing the said charges, costs and interest; and to give a deed in writing of such sale to the purchaser or purchasers thereof, his or their executors, administrators or assigns, on payment by said purchaser of said bill for work done and materials furnished to said commis-

sioners; and he or they 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 time therein shall be completed and ended, and be at liberty to remove all buildings and materials which he or they have erected or placed thereon; *provided nevertheless*, that in case the owner or owners, be non-resident or non-residents of the county of Camden, he or they shall have due written notice of the passage or enactment of the ordinance requiring said work to be done; which said written notice shall be served personally or sent by mail, directed to the said person or persons, within twenty days (20) after the passage of such ordinance; and proof of having put the said written notice in the post office at Haddonfield, directed to such person or persons, at his or their usual place of abode, shall be deemed and taken to be full proof of the service of such notice; and in case of neglect as aforesaid on the part of any lot owner or owners and the performance of the work by the said commissioners, they may instead of the remedy aforesaid, sue for and recover the amount paid by them for the work aforesaid, from the owner or owners of such lot or lots, or his or their legal representatives, with interest and costs, in any court in this state having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended, to and for the use of such owner or owners, his or their legal representatives; and in every such action, the proof of the amount paid by the commissioners shall be conclusive evidence for the plaintiffs of the amount due; *and provided however*, that no sidewalks shall be paved, flagged and curbed unless the same shall be so ordered by a majority of the commissioners; *and provided further*, that no sidewalk shall be paved, flagged and curbed, unless application in writing by the property holders who may hold the greater number of feet in front, on such one of said streets or sections of Main street which be divided as follows: from Union street to Camden and Atlantic railroad which shall be known as the first section; from the Camden and Atlantic railroad to Tanner street, which shall be known as the second section; from Tanner street to Haddonfield and Camden Turnpike which shall be known as the third section; from Haddonfield and Camden turnpike to Grove street which shall be known as the fourth section; and from Grove street to Hopkins' mill road, at Robert Hare Powell's corner, which shall be known as the fifth section, as may be

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so ordered to be paved by said commissioners, requesting that the same shall be graded, curbed and paved as directed in this act, shall be first made by them; but the property owners or their legal representatives may confine their application to the paving of one side of one of said streets or sections of said streets, and to such extent as the commissioners shall approve; *provided also*, that the owners of any lot so as aforesaid sold for the expenses of paving, and their legal representatives, shall have the right to redeem the same at any time within two years from the date of the deed of said commissioners, by paying to the purchaser of such premises or his legal representatives and assigns, the full amount of the claim for such paving, together with all costs and expenses incurred by such purchaser in improving said property, and together with interest on the amount of such paving claim costs, and expenses, at the rate of twelve per centum per annum; *and provided also*, that a transcript of the record of any work done or materials furnished for or about the paving of the front of any lots in said village, taken from said commissioners' books, and certified by them, may be filed by said commissioners in the clerk's office for said county of Camden, and shall thereupon be noticed on the Mechanics' Lien Docket of said office, and indexed against the owner in manner and subject to the regulations now in force respecting the entry of Mechanics' Liens, and when so filed, recorded, and indexed, the same shall be a lien against said lot, and also legal notice to all subsequent purchasers and mortgagees of said premises of said claim; *provided also* that any person or persons who may deem themselves aggrieved by the acts of said commissioners, shall have the right to appeal therefrom to the circuit court for said county of Camden, who shall have jurisdiction in such cases, and shall hear and determine them, as in other civil cases according to law.

Proviso.

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Proviso.

Compensation allowed.

4. *And be it enacted*, That the commissioners shall receive as a compensation for their services, the sum of two dollars (2) for each and every day by them or any of them actually employed in and about the duties of their appointment, and the assessor and collector of taxes, the same fees as are allowed by law for the assessing and collecting the township and county taxes.

Notice of meeting in case of appeal.

5. *And be it enacted*, That it shall be the duty of the assessor, after having made his assessment and notified the owners of the real estate in said village of Haddonfield of

the amount of tax assessed against them and each of them, to also give notice of the time and place of the meeting of the commissioners of appeals in cases of taxation, by notices signed by himself, and posted up in at least five of the most public places within the said village.

Collector to give security

6. *And be it enacted*, That it shall be the duty of the collector to submit his accounts to the street commissioners for settlement and allowance, and pay over to the said commissioners all the money received by him for taxes collected or otherwise; he shall, before entering upon the duties of his office, give a bond, with such security, and in such amount as the street commissioners shall approve.

When act to take effect.

7. *And be it enacted*, That this act shall go into operation on the second Tuesday of April next ensuing.

Public act.

8. *And be it enacted*, That this act be deemed and taken to be a public act, and as such be taken notice of in all courts of justice in the state.

Approved March 16, 1866.

CHAPTER CCII.

An act to incorporate Mercer Lodge Number Fifty, Ancient Free and Accepted Masons, located at Trenton, New Jersey.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Dolton, James Nicklin, Charles B. Yard, Samuel M. Youmans, Jonathan S. Fish, J. Vance Powers, William T. Nicholson, Caleb Segar, Titus H. Stout, and their associates, officers, and members of Mercer Lodge Number Fifty, Ancient Free and Accepted Masons of the state of New Jersey, and their successors, be and they are hereby declared to be a body politic and corporate in law by the name, style, and title of "Mercer Lodge Number Fifty, Ancient Free and Accepted Masons," and by that name they and their successors may at all times hereafter be able to sue and be sued, plead and be impleaded, have full power to collect any debts now due and owing or which may become due and owing to the said Mercer Lodge, in any court of law having cognizance of the same.

May hold lands and real estate.

2. *And be it enacted*, That the said corporation shall be capable of having, holding, and possessing any lands, tenements, hereditaments, and personal estate purchased or devised by any person or persons, bodies corporate or politic, capable of making the same; *provided*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, the net income of which shall exceed the sum of five thousand dollars.

Proviso.

Election of trustees.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a board of three trustees, who shall be elected annually at such time and manner as the said corporation in their by-laws shall direct; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

Not liable to taxation.

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

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

Approved March 16, 1866.

CHAPTER CCIII.

A further supplement to "An act entitled 'An act for the preservation of Clams and Oysters,'" approved March ninth, eighteen hundred and fifty-five.

To plant clams and oysters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person or persons owning marsh or meadow lands in this state, bounding on Cedar creek, in the township of Fairfield, Cumberland county, wherein clams or oysters do or will grow, to lay or plant clams and oysters therein for the use and benefit of such owners, and for the preservation of which he is to properly stake off such clam and oyster ground as not to interfere with the passing and re-passing of vessels, but sufficient to designate where the same is planted.

2. *And be it enacted*, That any persons violating the provisions of this act shall be subject to all the fines and penalties contained in the act to which this is a further supplement. Penalty.

3. *And be it enacted*, That all acts inconsistent with this act are hereby repealed. Repealed.

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

Approved March 16, 1866.

CHAPTER CCIV.

An act to incorporate the Hackettstown Gaslight Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Rusling, George W. Johnson, Jacob Welsh, jr., Caleb H. Valentine, Archibald Price, John S. Cook, John S. Little, 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 "Hackettstown Gaslight Company," and by that name they and their successors may have perpetual succession, and shall in law be capable of suing and being sued in any courts or places whatsoever, and may have a common seal, with power to alter the same, and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories and other places situated in the town of Hackettstown, 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 as 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 said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned, and Names of corporators. Proviso.

no private lands shall, in any way, be injured or defaced without permission being first obtained, in writing, from the owner or owners thereof.

Power to lay Pipe &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues or public grounds of the said town of Hackettstown, and to do all things necessary to light the said town and the dwellings, stores and other places situated therein; *provided*, that the public travel of the said town shall at no time be impeded by the laying of the said pipes or the erections of the said posts, and the streets, sidewalks, public grounds, lanes, and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Commissioners for receiving subscriptions.

3. *And be it enacted*, That Robert Rusling, George W. Johnson, Jacob Welsh, junior, Caleb H. Valentine, Archibald Price, John S. Cook and John S. Little are hereby appointed commissioners for receiving subscriptions for the sum of twenty-five thousand dollars, to constitute the capital stock of the said corporation in shares of fifty dollars each, and the said commissioners, or a majority of them, shall open books for that purpose at such time and place within this state as they shall designate by a public advertisement to be previously inserted at least three weeks in a public newspaper printed in the county of Warren, and continue the same open until the whole capital stock be subscribed, or at their discretion close the same after they shall have remained open three 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 ten per centum upon each share so subscribed shall be paid 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 said commissioners at the time of subscription shall by them, or a majority of them, be paid over to the directors of 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 subscriptions of

stock, until the whole stock subscribed amounts to the sum of twenty-five thousand dollars, and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient until the whole amount of said shares so subscribed shall have been fully paid.

Election of directors.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in seven directors, to be selected from the stockholders, and the said directors shall by a plurality of votes choose a president from among themselves, and as soon as conveniently may be, after five 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 offices until the second Monday in June then next, and the said directors and president shall hold their offices from the second Monday in June in every year for one year, and shall be elected on the second Monday in June in each year, at such time and place as a majority of directors shall appoint, and public notice shall be given of the time and place of such election for ten days in a newspaper published in said county of Warren, 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 to be dissolved.

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.

Powers of directors.

6. *And be it enacted*, That the directors for the time being shall form a board, and they or a majority of them shall be a quorum for transacting business, and have power to make by-laws, rules and regulations, not repugnant to the constitution or laws of the United States or of this state or the provisions of this act, for the government of the said corporation, the management and disposition of the stock and property thereof, and the duty of the officers, clerks, and

persons employed therein, the election of directors, and all other matters appertaining to their business or concerns, and may appoint as many officers, clerks and servants, and with such salaries and allowances, as shall to them seem necessary; and the said board of directors shall have power to make and declare such dividend or dividends among the stockholders from time to time as the net profits and earnings of the business of the said company shall enable them to do.

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 injury to 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, thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or any thing appertaining to the works of the said corporation, as 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 two years, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

Books of account 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.

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

Approved March 16, 1866.

CHAPTER CCV.

An act to incorporate the Hightstown Hall Association, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew J. Smith, Edward T. R. Applegate, Joseph H. Jimeson, Samuel Holcombe, Thomas C. Pearce, Edward C. Taylor, James C. Norris, Thomas J. Pullen, Richard Outcalt, Olmstead H. Reed, A. Forman Jobs, J. Mount Smith, J. Story Reed, Morgan F. Mount, Charles Keeler, Jacob Stults, Alfred Perrine, Robert Purdy, George Hutchinson, Joseph McMurran, Joseph Dey, their successors, and such persons as are now 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 "The Hightstown Hall Association, New Jersey." Names of corporators.

2. *And be it enacted*, That the object of said incorporation shall be the erection of a hall, and it shall be lawful for said corporation to use or to lease, and permit to be used, such parts of the hall or building or buildings to be erected by them, as shall not be necessary for holding public meetings, for the purpose of carrying on any trade or business therein not inconsistent with the laws of this state or the provisions of this charter. Object

3. *And be it enacted*, That the capital stock of said association shall not exceed the sum of twenty-five thousand dollars, divided into shares of ten dollars each, said shares to be deemed personal property, transferable in such manner as the by-laws of said incorporation shall direct. Amount of capital stock

4. *And be it enacted*, That the government of the said incorporation and the management and disposition of its stock, property and concerns, shall be vested in seven directors, chosen from among the stockholders in the manner hereinafter directed, who shall hold their office for the term of one year, and until others are elected; and in all cases the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been held; 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 directors, or a majority of them, may proceed to choose persons to fill Election of directors.

such vacancy or vacancies; the said directors shall appoint from among themselves a president, secretary and treasurer.

Annual election.

5. *And be it enacted*, That the election for directors aforesaid shall be held annually on the second Tuesday of April, at such place in the borough of Hightstown as shall be directed by the by-laws of said incorporation, and public notice of said election shall be given not less than five days previous thereto, 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 the said incorporation.

Not to be dissolved by failure to elect.

6. *And be it enacted*, That in case it should at any time happen that an election should not 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 laws of said corporation; and the following persons shall be commissioners to open books and receive subscriptions for the capital stock of said corporation, and to call the first meeting of the stockholders for the election of directors, namely: Andrew J. Smith, Joseph McMurran and Olmstead H. Reed.

Books to be kept

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

May erect buildings &c

8. *And be it enacted*, That whenever the sum of five thousand dollars of the said stock, as aforesaid, is subscribed, and one dollar on each share paid in, the president and directors may purchase a lot or lots of ground, and proceed to erect thereon such buildings as may be deemed needful and proper for the purposes of the corporation; and that installments of the shares subscribed may be called in as the wants of the association may require; and any stockholder refusing or neglecting to pay the installments as required by the directors, after thirty days' notice, his, her or their installments paid in may be forfeited to the association, by order of the directors.

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

Approved March 16, 1866.

CHAPTER CCVI.

An act to incorporate "The Barnegat High School Association."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Pedmore, jr., Fountain M. Cranmer, James Bodine, John A. Brown, Wright Predmore, Alexander S. Letts, Nathan S. Cranmer, James Robinson, Timothy W. Falkenburg, Abram Fort, Richard Cox, William Cox, Levi Cranmer, John W. Bennett, John R. Inman, Charles I. Errickson, and all other persons who shall hereafter become their associates, are hereby created, declared and constituted a body corporate and politic, by the name and style of the "Barnegat High School Association," and by that name shall possess all the powers and privileges of a corporation. Names of corporators.

2. *And be it enacted*, That the said corporation hereby 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. Powers, &c.

3. *And be it enacted*, That the original capital stock of said corporation shall be twenty-four hundred dollars, with power to increase the same, to any amount not exceeding in the whole twelve thousand dollars, which stock shall be divided into shares of one hundred and fifty dollars each; and each share of said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders. Amount of capital stock

4. *And be it enacted*, That the stock, property and concerns of the corporation shall be managed and conducted by three trustees, being stockholders, one of whom to be president, who after the first trustees hereinafter named, shall hold their offices for one year, and until others shall be elected in their stead; that the first election for trustees of said corporation shall be held on the third Saturday of January, in the year of our Lord one thousand eight hundred and sixty-seven, and on the third Saturday of January annually thereafter, at such time and place in the village of Barnegat as President and trustees.

the trustees for the time being shall direct; and the first trustees shall be James Bodine, John A. Brown and Charles I. Errickson, who shall hold their offices until the third Saturday in January, in the year of our Lord one thousand eight hundred and sixty-seven, and until others shall be elected in their places.

Powers to make rules, &c.

5. *And be it enacted*, That the said corporation, at any annual meeting, by a vote of two-thirds of the members present, 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 and repeal the same.

May hold property by gift, &c.

6. *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 purpose of education, as the said board of trustees shall from time to time determine.

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

Approved March 16, 1866.

CHAPTER CCVII.

An act to incorporate the Hightstown and Manalapanville Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body corporate and politic, in fact and in law, by the name of "The Hightstown and Manalapanville Turnpike Company," and that the following named

persons, to wit: John C. Fisher, Nathaniel W. Morris, William S. Riggs, George Thompson, Peter E. Wilson, Cornelius Wycoff, Thomas Applegate and William Conover, or a majority of them, are hereby appointed commissioners to open subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in "The Hightstown Gazette," a newspaper printed and published in Hightstown, in the county of Mercer.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be fifteen thousand dollars, and shall be divided into shares of fifty dollars each; that at the time of subscribing to said stock three dollars shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of said company so soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer in such installments and at such times and places as the board of directors of said company shall from time to time direct; that upon the failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of said company.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when one hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least ten days' notice of the time and place of said meeting in the newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot seven directors, for the term of one year, who shall be citizens of this state, of which election the said commissioners, or a majority of them shall be the judges; and that at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect by ballot seven directors who shall be citizens of this state; and the judges of such elections shall be appointed by the president, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote

may be given for each share of stock by the holder thereof, in person or by proxy; and in case it shall happen that any election of directors should not be made on the day when pursuant to this act it ought to be made, said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Duties and powers of president.

4. *And be it enacted*, That so soon as conveniently may be after the first and subsequent annual election of directors they shall elect from their number, a president of said company for the term of one year, and until another shall be elected, who shall receive such compensation for his services as the board of directors may direct; he shall keep the seal of said company, and preside at all meetings of said board, and in case of his absence, the said board shall appoint one of their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer and other officers and agents of said company such security for the due performance of their respective trusts as they may deem expedient; and special meetings of said stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which the meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term; *provided*, said company shall have the privilege of erecting toll houses, and charging and receiving toll as soon as one mile or more of said road is completed.

Construction of road.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the borough of Hightstown, in the county of Mercer, along or near the present highway known by the name of the "Hightstown and Freehold Road," through the township of Monroe, in the county of Middlesex, to the terminus of the "Manalapan Turnpike Company," in the village of Manalapanville, in the county of Monmouth, and the said company may by their officers, agents or other persons in their

employ enter from time to time and at all times upon all lands necessary to make said road, and also to search for stone, gravel, sand or clay for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, that before said company shall construct the said turnpike road aforesaid along the highway aforesaid, they shall pay to the respective owners of the land over which the said highway selected for constructing the said turnpike road now passes all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, sand or clay from his or her lands for the constructing or maintaining of said turnpike road. Proviso.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, except over the dam of the mills late of Peter C. Bergen, deceased, where it shall be at least eighteen feet in breadth if said road shall be constructed over said dam, and shall be sufficienty arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, plank, clay or gravel to make a good and firm road, and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and said company shall make good and sufficient bridges along said road not less than eighteen feet in breadth, and whenever 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 overset, the said company shall cause good and sufficient railings to be erected on the sides, so as to prevent horses and carriages from running off. Breadth of road

8. *And be it enacted*, That it shall be lawful for said company, their agents, superintendents, engineers and all persons employed by them, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and Proceedings when company and owners can not agree.

underdrains across and through such lands as are necessary for the proper drainage of said road, and to take and carry away stone, gravel, clay or sand, or other material therefrom, suitable for making or repairing said road; and if the said company or their agents and the owner or owners of such required land or materials cannot agree as to the price of the same, it shall be the duty of any justices of the supreme court of this state or a judge of the court of common pleas of the county of Mercer, Middlesex or Monmouth, upon application of either party, and after six days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial and judicious freeholders, residents of the state, commissioners to assess the price or value of such lands or materials, as may be required by said company, and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall, before they enter upon the duties of their appointment, be duly qualified according to law, faithfully and impartially to execute the duties thereof, and after six days' notice in writing to both parties, of the time and place, shall meet, view the premises, hear the parties, and evidence if desired, and thereupon make such decision and award as to them may appear just and equitable, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the counties of Mercer, Middlesex and Monmouth, to be by him filed as a public record, and certified copies taken, if desired by either party; and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon said land, or remove all such materials as have been appraised as aforesaid; and when, by reason of any legal incapacity, or the absence of the owner or owners of said land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any awards made in behalf of any such persons, by commissioners appointed as aforesaid, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of said owner or owners.

Toll gates to be erected.

9. *And be it enacted*, That as soon as the said company shall have constructed said road, according to the directions of this act, and the true meaning and intent thereof, it shall and will be lawful for them to erect toll houses upon and gates or turnpikes across the same, and to demand and re-

ceive toll for traveling each mile and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled drawn by one beast, one cent;
For every additional beast, one cent;
For every horse and rider, or led horse or mule, one cent;
For every dozen of calves, sheep or hogs, one cent;
For every dozen of horses, mules or cattle, two cents;

And it shall and may be lawful for the toll gatherers to stop all persons riding, leading or driving any horses, cattle, mules or sheep, calves or hogs, or carriages of burden or pleasure at the said gates or turnpikes until they shall have paid the toll as above certified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing from any part of his farm to any other part of the same on the common business thereof.

Proviso

10. *And be it enacted*, That before the said company shall receive toll for traveling said road they shall cause mile stones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance said stone is from the borough of Hightstown, and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed, in large letters, "keep to the right as the law directs, penalty ten dollars."

Mile stones to be erected

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or vehicle, turn out of

Penalty for injuring works.

New Jersey State Library

said road to pass a gate or gates upon private grounds adjacent thereto, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof in an action of debt with costs of suit.

Penalty for delaying travellers.

12. *And be it enacted*, That if the said company shall demand more toll than is by this act established, it shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so defrauded.

Penalty for obstructing passage.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds of every description, whether of burden or pleasure, or persons on horseback using the said road, shall keep their horses or vehicles on the right hand side of the road, free and clear for other vehicles, or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damage for every such offence, to be recovered with costs of suit.

Proceedings when road and bridges are not kept in repair.

14. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the counties of Mercer, Middlesex and Monmouth, upon complaint being made to him in writing, stating the bridge, or part of 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 should not have mended or repaired the bridge, or part of the road complained of, to appoint under his hand and seal three judicious, disinterested freeholders of the counties of Mercer, Middlesex or Monmouth, not residing in any township through which said road passes, who having been duly qualified according to law to act impartially in the case, shall proceed to view and examine the said part of the turnpike road or bridge so complained of, and report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavorable to the said road, said judge shall immediately, in writing, under his hand and seal, order

the keeper of the gates or turnpikes established on the division complained of, to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge, to open said gate or turnpike, exact toll of travelers, the said company shall for each offence forfeit and pay 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 said company have repaired or mended said road or bridge in the particular complained of, he shall by license under his hand and seal, directed to the tollgathers, 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.

Route of road.

15. *And be it enacted*, That said company may construct their said turnpike upon the highway, beginning at the point where the Hightstown and Freehold road strikes the easterly line of the borough of Hightstown, in the township of East Windsor, in the county of Mercer; and running thence along said Hightstown and Freehold road to a turn in the same, at the house of Abraham N. Simpson, where David Pittenger now lives, in the township of Monroe, in the county of Middlesex; thence by such courses as the majority of the stockholders of said company may agree upon, to the terminus of the "Manalapan Turnpike Company" at Manalapanville, in the county of Monmouth; *provided*, that so much of the said Hightstown and Freehold road as is included between the beginning of said turnpike at the borough of Hightstown and the terminus of the Manalapan Turnpike Company at Manalapanville aforesaid, be and hereby is vacated as soon as this turnpike is organized.

Restrictions, &c.

16. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

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

Approved March 16, 1866.

CHAPTER CCVIII.

An act to incorporate the Mechanicsville and Oceanville Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body politic and corporate, in fact and in law, by the name of the Mechanicsville and Oceanville Turnpike Company, and that the following named persons, to wit: James E. Lippincott, Isaiah S. Lane, Charles Lewis, Thomas Cook and John Conro, or a majority of them are hereby appointed commissioners to open subscription books and receive subscriptions to the capital stock, at such time and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in the New Jersey Standard.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, and shall be divided into shares of fifty dollars each, that at the time of subscribing to said stock ten dollars shall be paid upon each share subscribed for to said commissioners, which money shall be paid over to the treasurer of said company, so soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer in such installments and at such time and places as the board of directors of said company shall from time to time direct, and that upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said installments or any of them, to and for the use of said company.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of five directors, a majority of whom

shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when eighty shares of said stock shall be subscribed for, the said commissioners or a majority of them shall call a meeting of the said stockholders, giving at least ten days' notice of the time and place of said meeting in the newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereon proceed to elect by ballot five directors for the term of one year, who shall be citizens of this state, of which election a majority of said commissioners shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect by ballot five directors, who shall be citizens of this state; and the judge of such election shall be appointed by the president, and at every such election, and in all cases in which the stockholders shall be entitled to a vote, a vote may be given for each share of stock, in person or by proxy, and in case it shall happen that any election of directors shall not be made on the day when pursuant to this act it ought to be made, said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

President.

4. *And be it enacted*, That so soon as conveniently may be, after the first and subsequent annual elections of directors, they shall elect from their number a president of said company for the term of one year, and until another shall be elected, who shall receive such compensation for his services as the board of directors may direct; he shall keep the seal of said company and preside at all meetings thereof, and in case of his absence the said board shall appoint one of their number, who, for the time being, shall possess the same power and authority and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company such security for the due performance of their respective trusts as they may deem expedient; and special meetings of said stockholders may be called by said board or by the stockholders owning one-fourth of the stock of the company, by giving notice of the time and place of holding the same and the object for which the meeting is called.

Annual statement's to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term, and the said company shall have the privilege of erecting toll houses and collecting toll as soon as one mile of said road is completed.

Construction of road.

6. *And be it enacted*, That it shall be lawful for the said company to construct and make a turnpike road in the township of Ocean, county of Monmouth, over the public road leading from Elisha Lippincott's store through the villages of Mechanicsville and Oceanville, to the bridge near Ludlow Woolley's saw mill; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time and at all times upon all lands necessary to make said road, and also to search for stone, gravel, sand or clay for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, said company shall as soon as they have constructed the said turnpike road, pay to the respective owners of the land on which they may have entered all damages which the said owners shall sustain by reason of the construction of said turnpike road; and in case the said owners and said company cannot agree upon the amount of damages, then the damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by taking off stone, gravel, sand or other materials from his or her lands, for the constructing and maintenance of said turnpike road.

Proviso.

Width of road.

7. *And be it enacted*, That the said turnpike road shall be constructed at least twenty-five feet wide, and shall be sufficiently arched and drained to make and keep the same dry, and at least fifteen feet thereof shall be sufficiently bedded with stone or gravel to make a good and firm road, and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the said road not less than fifteen feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the sides as to render carriages passing thereon liable to overset, the said company shall erect good and sufficient railings on the side thereof, so as to prevent horses and carriages from running off.

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

company, their agents, and all persons employed by them, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary tools and implements, to enter upon all lands contiguous or near to the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands as are necessary for the proper draining of said road, and to take and carry away stone, gravel, clay or sand, or other materials therefrom, suitable for making or repairing said road, and if the said company or their agents and the owner or owners of such land or materials cannot agree as to the price of the same it shall be the duty of any justice of the supreme court, or any judge of the court of common pleas of the county of Monmouth, upon application of either party, and after six days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial and judicious freeholders, residents of this state, commissioners to assess the price or value of such lands or materials as may be required by said company, and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall before they enter upon the duties of their appointment, be duly qualified according to law, faithfully and impartially to execute the duties thereof, and after six days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties, and evidence if desired, and thereupon make such decision or award as to them may appear just and equitable, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county of Monmouth, to be by him filed as a public record, and certified copies taken if desired by either party; and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon said land, or remove all such materials, as have been appraised as aforesaid, and when by reason of any legal incapacity or the absence of the owner or owners of such land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any awards made in behalf of any such persons by commissioners appointed as aforesaid; into the court of chancery to the clerk thereof, subject to the order of said court for the uses of the said owner or owners.

Proceedings when company and owners cannot agree.

Toll gates to be erected.

9. *And be it enacted*, That as soon as said company shall have constructed said road according to the direction of this act, and the true meaning and intent thereof, it shall and will be lawful for them to erect toll houses upon and gates across the same, and to demand and receive toll for traveling each mile, and all fractions over one-fourth of a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one and one-half cents;

For [every] additional beast, one and one-half cents;

For every horse and rider, or led horse and mule, one and one-half cents;

For every dozen of calves, sheep or hogs, two cents;

For every dozen of horses, mules or cattle, six cents;

And it may be lawful for all toll gatherers to stop all persons riding or driving any horses, cattle, mules, sheep, calves or hogs, or carriages of burthen or pleasure, at the said gates or turnpike, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral, to or from any mill to which he may usually resort for grinding of grain for the use of his family, or from any person passing to or from his common business on his farm.

Proviso.

Mile posts to be erected.

10. *And be it enacted*, That before the said company shall receive toll for traveling said road, they cause mile posts to be erected and maintained, and on each post shall be fairly and legibly marked the distance said post is from the termini of said road; and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded and also a board on which shall be painted in large letters, "keep to the right as the law directs, penalty ten dollars."

Penalty for injury to road.

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile posts so erected on said road, or wilfully tear down or deface any of the printed rates of toll or direction, 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 without having paid the legal toll at such gates, such persons shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for the

same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team or vehicle, turn out of said road to pass a gate or gates, upon private grounds adjacent thereto, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt with costs of suit.

Travellers protected.

12. *And be it enacted*, That if any toll gatherer shall demand more toll than is by this act allowed, the company shall for every such offence forfeit and pay the sum of ten dollars with costs of suit, to be prosecuted by and recovered for the sole use of the person so defrauded.

Penalty for obstructing passage.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of every description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses or vehicles on the right hand side of said road, leaving the left hand 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 so offending shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when road and bridges are not kept in repair.

14. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Monmouth, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after four days' notice in writing to said company, specifying the part or parts complained of, and after hearing the parties, if the said company have not repaired the said bridge or road as specified, to appoint, under his hand and seal, three judicious freeholders not interested in said road, and being residents of said county and non-residents of the township through which the said road is located, who having been duly qualified and sworn to act impartially in the case, shall proceed to view and examine the part or parts complained of and report to the said judge in writing, signed by them or any two of them, whether the said road is in such state as the

law requires it to be kept; and if the report be unfavorable to said road said judge shall immediately, under his hand and seal, in writing, order the keeper of the gate on the part complained of to keep the same opened until otherwise ordered; and if said keeper shall not obey said order, he shall for every offence forfeit and pay the sum of ten dollars, to be sued for by any person who will prosecute the same in an action of debt, with costs of suit; and said judge and the persons appointed by him shall receive one dollar each, to be paid by the said company for their services; and upon due proof before said judge that said road has been repaired he shall by license directed to said toll-gatherers, permit the gates to be closed and toll collected thereon; but if on view as before mentioned, the report of the persons appointed, or a majority of them, be in favor of said company, the same fee shall be allowed as before prescribed and be paid by the person making the complaint.

Route of road

15. *And be it enacted*, That the said company may construct their said turnpike upon the highway, beginning at the Eatontown and Sea Shore turnpike, at the public highway in front of Elisha Lippincott's store in the township of Ocean, county of Monmouth; thence by the Methodist Episcopal church, through the villages of Mechanicsville and Oceanville, to the bridge, a short distance to the eastward of Ludlow Woolley's saw mill.

Restrictions &c.

16. *And be it enacted*, That this act shall be taken and construed to be a public act, and that the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations."

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

Approved March 16, 1866.

CHAPTER CCIX.

An act to incorporate Boonton, in the county of Morris.

Boundaries of town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships

of Pequanac and Hanover, in the county of Morris, situate, lying and being within the following boundaries, to wit: beginning at and including the house of Frederick Gunther between the bridge above the falls and Powerville on the westerly bank of the Rockaway river, to a point in the westerly side of the public road opposite the residence of George Elcock, and thence along the westerly side of said public road leading toward Old Boonton to a point where said road intersects the dividing line of lands of Chas. A. Righter and Dudley B. Fuller and J. Couper Lord, and thence along the said dividing line to the Rockaway river on the eastern shore thereof, and thence up the eastern shore of said river to where the dividing line of lands late of Nelly Peer and Abraham T. Peer (now of Nicholas N. Jacobus), intersects the eastern shore of said river, and thence along said dividing line to the westerly side of the public road leading from Old Boonton to Boonton, and thence along the westerly and northerly side of said public road to the Blacksmith shop of Francis T. Budd including said shop, and thence in a direct line to the farm bridge of John L. Kanouse over said canal, and thence in a straight line to and including the residence of Wm. Adkins on the Taylortown road, and thence in a straight line to and including the residence of David Douglas on the summit of Sheep Hill, and thence in a straight line to the place of beginning, shall be and the same are hereby constituted, ordained and declared to be a town corporate, and shall henceforth be called, known and distinguished by the name of the "The Town of Boonton."

Election of trustees.

2. *And be it enacted*, That it shall and may be lawful for such of the inhabitants of the said townships of Pequanac and Hanover as may reside within the aforesaid limits, on the first Saturday of May next, and who shall have resided in the said county of Morris for five months, and in this state for one year immediately preceding that time, and who are in all other respects legal voters, to assemble at Washington Hall, in Boonton, on the said first Saturday in May next, and then and there by ballot, and by a plurality of votes, elect seven trustees, a town clerk and two inspectors of election, and as soon after said election as the said trustees shall be sworn into office as hereinafter provided, they shall be, and they are hereby constituted and declared to be, in fact and in law, a body politic and corporate, by the name and title of "The Board of Trustees of the Town of Boon-

ton," and by that name they and their successors forever hereafter shall and may have perpetual succession, shall be capable of suing and being sued in all the courts of this state, may have and use a common seal, and by their corporate name may purchase, hold and convey any estate real or personal for the use of said corporation.

Inspectors of elections.

3. *And be it enacted*, That at the election hereinbefore mentioned George W. Esten, James Holmes, Garret V. S. Rickard and John J. Norris or such of them as may consent to act, or the survivors or survivor of them shall act as inspectors, and Lewis Estler shall act as clerk; that at said election the polls shall open at one o'clock, P. M. and close at seven o'clock, P. M., that the persons elected shall hold their office for one year from the said first Saturday of May next, and until their successors are elected and sworn into office; that on the first Saturday of May yearly and every year thereafter, the inhabitants aforesaid shall and may hold a like election at such place in said town as may be designated by the said board of trustees who shall by ordinance prescribe the time of opening and closing the polls at such election, and the mode and manner of conducting it; *provided however*, that the poll at such election shall be open at least from twelve o'clock noon, until six o'clock in the afternoon, of all which public notice shall be given by the board of trustees at least ten days' before each election; *provided also*, that in case of the death, absence or refusal to serve of the person herein named as clerk of said first election, a clerk shall be appointed by the inspectors or inspector as the case may be; and in case of the death, resignation or refusal to serve of any persons elected from time to time as town clerk, or inspectors of election, or any disability preventing him or them or either of them from serving, such town clerk or inspector shall and may be appointed by the board of trustees, and shall hold his office until his or their successor or successors is or are elected and qualified; at all elections held in pursuance of this act except the first, the town clerk shall act as poll clerk.

Oaths to be taken.

4. *And be it enacted*, That the said board of trustees, town clerk and inspectors of election who shall be elected as hereinbefore provided, shall before entering on the duties of their respective offices and within five days' after they shall be notified of their election by the inspectors of election, take and subscribe an oath or affirmation before some person authorized by the laws of this state to administer an oath,

that they will faithfully discharge the duties of their respective offices, and in default thereof, the election of the person or persons in default shall be deemed void and of no effect; in case such default shall occur on the part of one or more of the trustees elected at the first election, a new election shall be held at such time as may be appointed by the said inspectors, and if at any subsequent election, at such time as may be appointed by the trustees for the time being, at least ten days' public notice being given of such new election; if such default shall occur on the part of any person elected as town clerk, his default shall be considered as a refusal to serve, and the office shall be filled as hereinabove provided.

Powers of trustees.

5. *And be it enacted*, That within thirty days after said trustees shall have been sworn into office as aforesaid, they shall meet in some suitable place and organize by electing one of their number as chairman, and when so organized they shall have power to pass and enact such by-laws and ordinances, not repugnant to the constitution or laws of this state, as they may consider proper, for laying out, altering and regulating the grade of the roads, streets and sidewalks within said corporate limits, for keeping the same in repair and for preventing or removing obstructions therein; *provided however*, that all streets on the west side of the Rockaway river shall be opened and graded by the owners of the property through which the same shall be laid, and said opening and grading shall in no event be a charge upon the funds of said town of Boonton; for preventing and suppressing riots and disturbances of the peace, for suppressing vice and immorality, and all such other laws and ordinances as they may think adapted to promote the welfare, good order, health and prosperity of the said town and the inhabitants thereof; to revoke, alter and amend the same in their discretion, and to enforce obedience to the same by fines and imprisonments; *provided*, no fine shall exceed twenty dollars for the first offence, nor more than fifty dollars for each offence thereafter, and no imprisonment shall exceed sixty days for any offence; *provided also*, that no by-law or ordinance affecting the rights or property of said inhabitants shall be valid or binding, unless the same shall receive the votes of at least five of the said trustees, nor shall the same go into operation until it shall be regularly recorded in a book kept for that purpose, and a copy thereof, signed by the chairman of said board of trustees and attested by the clerk, shall have been

Proviso.

Proviso.

Proviso

posted for at least twenty days in the room where the said board of trustees shall usually assemble, and in at least three other public places in the said town, and shall be published the same length of time in at least one of the newspapers published in said county.

Treasurer and other officers how appointed.

6. *And be it enacted*, That the said board of trustees may appoint a town treasurer, a town marshal, and one or more assistants, a street commissioner, whose duties shall be those of overseer of the roads under the laws of this state, and such other subordinate officers as to them may seem proper and necessary for the good government of said town, who shall give security for the faithful discharge of the duties of their respective offices as the said board of trustees may direct, shall hold their offices during the pleasure of the board and receive such compensation as may be allowed by the said board.

Police justices.

7. *And be it enacted*, That two persons shall be appointed and commissioned by the said board of trustees as police justices, who shall hold their office for the same term as justices of the peace elected under the laws of this state, and shall have and exercise the same power and jurisdiction within said corporate limits in criminal cases as justices of the peace now are or hereafter may be authorized to exercise in this state, and shall be entitled to take fees as justices of the peace now are or hereafter may be entitled for like services; the courts held by said justices shall be courts of record, and said justices shall have full power to cause to be kept all ordinances that may be made by said board of trustees for the preservation of the public peace and for the good government of said town, and all recognizances taken by or before said justices, or either of them, shall be by them forthwith sent to the court of general quarter sessions of the peace of said county.

House of detention to be erected

8. *And be it enacted*, That the said board of trustees are hereby empowered to have erected within said town of Boonton a suitable building to be used as a house of detention, in which may be committed by the proper authorities, and safely kept, any and all persons arrested for offending within the limits of said town, against the laws of this state, or any ordinance of said town of Boonton, until the charges preferred can be heard and duly investigated by the magistrate before whom the same are brought, and such offender can be further dealt with as the law directs and in accordance with the ordinances of said town of Boonton; *provi-*

ded, that said board of trustees shall not proceed to erect said building until it shall first have been submitted to the inhabitants of said town, at the annual or some other election (of which due notice shall be given as hereinbefore provided), and the erection of the same shall have been approved by a majority of the legal votes cast at said election, and the legal voters of said town at such election shall have power to determine by a majority of the votes then and there cast whether any, and if any, what sum of money shall be raised by tax within the limits of the said town of Boonton for such purpose; *provided, further*, that not more than one-quarter of the amount ordered to be raised for such purpose shall be assessed upon the inhabitants and taxable property of said town of Boonton in any one year. Proviso. Proviso.

9. *And be it enacted*, That it shall be the duty of the marshal and his assistants to preserve the peace and good order of the said town, and they are hereby empowered to arrest any person offending against any of the ordinances of said board of trustees or behaving in a disorderly manner, and disturbing the public peace and quiet, and forthwith bring such person before either of said police justices, or any justice of the peace residing within the limits of said corporation, who is hereby authorized and required to hear and investigate the charges preferred (which in all cases shall be preferred under oath and taken in writing before said justice), and on conviction the said justice shall impose such punishment as to him shall seem just and proper, and in accordance with the ordinances of said board of trustees; and shall enforce the same by his warrant of commitment, directed to the said marshal or assistant marshal, commanding him to convey the offender to the common jail or workhouse of the county of Morris, there to remain or be kept at hard labor for such time as may be provided in said ordinance and until the fine and costs are paid; and further as regards criminal offences against the laws of this state, committed within the limits of said corporation, the said marshal and his assistants are hereby empowered and required to discharge like duties as now are or hereafter may be required of constables under the laws of this state. Duty of marshal, &c.

10. *And be it enacted*, That whenever, in the opinion of any justice of the peace of the townships of Pequanac or Hanover, public justice requires the immediate service of a criminal process issued by said justice, and no constable is at hand to serve the same, the said justice may direct the Marshal when to act as constable.

same to the marshal or the assistant marshal of the said town of Boonton, and the said marshal or assistant marshal is hereby empowered and required forthwith to proceed to execute the said process in like manner and under like penalties as constables are required to execute such process, and for so doing he shall be entitled to the same fees as constables for like services.

Offenders to be kept in county jail.

11. *And be it enacted*, That the jailor of the county of Morris, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of said county by the said justices, for the term of his, her or their imprisonment, as expressed in the warrant of commitment, and all expenses of keeping said offenders in said jail shall be borne and paid by the said county of Morris.

Exhibitions to be licensed.

12. *And be it enacted*, That it shall not be lawful for any person or persons to exhibit or show within the limits of said town any menagerie or collection of animals, or any circus, play or exhibition of any kind whatsoever, for gain or reward, without first having obtained a license so to do from the said board of trustees.

Penalty imposed by ordinance.

13. *And be it enacted*, That all actions for the recovery of any penalty or penalties, created or imposed by any ordinance passed by said board of trustees shall be brought and prosecuted in the corporate name of the town or in the name of the treasurer of the town for the time being, and in such actions, as well as in all complaints for the violation of any of said ordinances, the records of the board of trustees shall be received as conclusive evidence of the passage of all ordinances recorded therein and signed by the chairman and clerk of said board, and the due publication of said ordinances in the manner hereinbefore required shall in all cases be presumed to have been made unless the contrary is proved; no person shall be deemed incompetent as a witness or juror in any trial in which the town or treasurer of the town is a party by reason of his being an inhabitant of or taxpayer in said town.

Annual elections.

14. *And be it enacted*, That it shall and may be lawful for the inhabitants of said town at their annual election for town officers as hereinbefore provided, or at any special election appointed by the board of trustees for that purpose, by notice in writing set up in at least five public places in said town for at least ten days before the day appointed for holding such special election, to vote by ballot for such sum or sums of money as they may think necessary for the purposes

of said town of Boonton for the ensuing year; *provided*, they in the aggregate shall not exceed in any one year an amount equal to one dollar personal tax for each taxable inhabitant and fifteen cents on each hundred dollars of the valuation of the taxable property within said town, which sum or sums of money so voted shall be assessed by the assessors of the township of Pequanac and Hanover respectively, at the same time and in the same manner as township and county taxes are levied and assessed, as a separate "corporation tax" upon the persons of the residents of said town of Boonton, and on the taxable property which may be situated within the corporate limits of said town; and it is hereby declared to be the duty of said board of trustees to ascertain and determine the amount to be assessed by each of said assessors, by the number of taxable persons and the amount of taxable property within such parts of said townships respectively as are embraced within said corporate limits, and to give notice of said amount to each of said assessors at least ten days before the time for completing his assessment, and the collectors of each of said townships are hereby required in like manner as required by law touching other taxes to notify each person of his or her tax under this act, and if any person feels himself aggrieved by any assessment made by virtue of this act, he may appeal therefrom to the commissioners of appeal of said township of Pequanac and Hanover respectively, and his appeal shall be heard at the same time and in the same way that appeals from township or county taxes are heard and determined; and to enable the trustees of said town more fully to discharge the duties by this act imposed upon them, it shall and may be lawful for them to borrow from time to time in the corporate name of said town any sum or sums of money not exceeding in the aggregate the amount voted as aforesaid for the purposes of said town, and to repay the same out of the taxes imposed as aforesaid when the same are collected.

Proviso.

15. *And be it enacted*, That the township collectors of the townships of Hanover and Pequanac are hereby required to pay over to the treasurer of the town of Boonton the amount of taxes received by them from the assessments upon the persons and property within said town of Boonton, in accordance with the preceding sections of this act, on or before the thirty-first day of December of each and every year, and the receipt of such treasurer shall be a sufficient

Tax to be paid over to treasurer.

voucher for such payment; and said collectors are also hereby required to deliver at the same time to said treasurer, a list of all such persons as may be delinquent in the payment of said "corporation tax," with the amount due from each, and also to deliver at the same time, to some justice of the peace in said townships respectively, a like list of said delinquent taxpayers, with an affidavit that said taxes have been by him duly demanded: and in case of failure to perform any of said duties, said collector shall be liable to prosecution for neglect of duty in the manner provided by the general laws of this state, except that it shall be stated in the process and pleadings in said suit that the same is prosecuted for the use of the town of Boonton.

Delinquents.

16. *And be it enacted*, That the justice of the peace to whom such list of delinquent tax payers shall be returned, shall take the affidavit of the collector that the said taxes have been duly demanded by him, and shall thereupon issue his tax-warrant in the form and mode provided by the general laws of this state, and direct the same to either the marshal or the treasurer of said town of Boonton, who shall forthwith execute the same in the manner required by the laws of this state for the recovery of delinquent taxes.

Fire department.

17. *And be it enacted*, That for the protection of property against loss or damage by fire, it shall be lawful for the said board of trustees and they are hereby empowered to enact an ordinance for the establishment and equipment of a fire department, providing in the same for organizing and regulating one or more fire companies, providing fire apparatus and doing such other things as may be deemed necessary to maintain a suitable and efficient fire department, and to expend for such purpose, such sums of money as may be raised therefor by a vote of the inhabitants of said town at any annual election.

18. *And be it enacted*, That nothing herein contained shall in any way interfere with the boundaries of the townships of Hanover and Pequanac, or with the obligation of the citizens and owners of property in said town of Boonton, to pay their due proportion of the taxes assessed from year to year in the townships of Hanover and Pequanac respectively for

Proviso.

county and township purposes; *provided however*, that so much of said taxes as may be assessed hereafter upon said citizens and owners of property in said town of Boonton, for maintaining, working and repairing the roads of said townships respectively shall be paid over by the collector of each

township on the thirty-first day of December in each year to the treasurer of said town of Boonton, to be expended by the said board of trustees of said town of Boonton or such officer as they may appoint for that purpose, upon the roads, streets and sidewalks, and other improvements within the limits of said town of Boonton; *provided also*, that nothing in this act contained shall in any way be construed to affect or change the liability of the county to build or keep up the necessary bridges across the Rockaway river within said town limits or to impose such liability on the said town of Boonton. Proviso.

19. *And be it enacted*, That all acts relating to the election of overseers of the highways in the townships of Pequanac and Hanover, so far as they relate to the parts of said township embraced within the limits of the town of Boonton are hereby repealed. Overseers of highways.

20. *And be it enacted*, That if at the first election herein authorized, a majority of all the ballots cast at such election shall contain the words "no charter" written or printed thereon, then and in that court this act shall be null and void, otherwise, it shall continue in force. Charter to be voted on.

21. *And be it enacted*, That this act shall be deemed and taken to be a public act and as such shall be taken notice of by all the courts of justice of this state.

Approved March 16, 1866.

CHAPTER CCX.

An act to authorize the Mayor and Common Council of the City of New Brunswick to borrow money.

WHEREAS, the mayor and common council of the City of New Brunswick issued notes to the amount of one hundred and thirty-five thousand six hundred dollars, to pay war bounties; and whereas, by an act of the legislature, the said mayor and common council were authorized to issue bonds to the amount of one hundred and fifty thousand dollars, to meet, pay off and discharge the said notes, but have been unable to dispose of a proportion of the said bonds, because they are not authorized by the said act, to sell Preamble.

them for less than par; and whereas, a large amount of the said notes have become due and payable, and are becoming due and payable, and suits have been prosecuted, and judgments obtained against the said city on the same with costs; therefore,

Power to borrow money.

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 New Brunswick be authorized and empowered to borrow any sum of money not to exceed twenty-six thousand dollars, to pay all such notes issued for payment of war bounties as remain unredeemed by the issue of the aforesaid bonds with interest and costs; and that the said mayor and common council be authorized and empowered to issue promissory notes in their corporate name, and under their seal, and to be signed in such way as the said corporation shall direct, for the payment of all such sums with interest, as shall be borrowed by virtue of this act, and that all notes so issued by virtue of this act, shall be binding on the inhabitants and taxable property of said city.

Taxes.

2. *And be it enacted*, That the said mayor and common coucil are hereby authorized and empowered, and it is made their duty to provide by taxation for the payment of all such notes as shall be made or issued by virtue of this act with the interest thereof, and shall order and cause to be assessed and collected by tax in the said city, at the same time, and in the same manner that the next annual state and county taxes shall be assessed and collected: a sufficient sum of money to pay the said notes by them issued by virtue of this act; and all sums of money raised by virtue of this act shall be exclusively applied to the payment of said notes issued under this act.

Limitations.

3. *And be it enacted*, That none of the provisions, regulations, restrictions or limitations contained in the fifty-sixth section, or any other section of the charter of the city of New Brunswick, approved March eighteenth, eighteen hundred and sixty-three, which are inconsistent with any of the provisions of this act, shall in anywise apply to or affect this act.

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

Approved March 20, 1866.

CHAPTER CCXI.

An act to enable the "Union Bank of Dover," in the county of Morris, to close its business, liquidate its outstanding liabilities, and redeem its circulating notes within a limited time.

Preamble. WHEREAS, the "Union Bank at Dover," a banking association located at Dover, in the county of Morris, in this state, and incorporated by the laws of said state, did determine by its board of directors, with the consent of three-fourths of its stockholders in interest, to discontinue its business and settle its affairs, and did through its board of directors file a certificate under its corporate seal with the secretary of state on the twenty-second day of June, in the year eighteen hundred and sixty-five, setting forth such intention, and that thereby they surrendered to the state their corporate privileges and powers in pursuance of the provisions of an act entitled "An act concerning Banks," approved April sixth, eighteen hundred and sixty-five; and whereas, the said "Union Bank at Dover," since the seventh day of July, eighteen hundred and sixty-four, has retired and destroyed its circulating notes as fast as redeemed, by order of resolution by its board of directors, public notice of said resolution and intention having been given; and whereas at the present time an amount of the circulating notes of said bank to the sum of twenty thousand four hundred dollars still remain outstanding or unrepresented, whereby the board of directors are prevented from closing the affairs thereof, and great inconvenience is resulting therefrom to its stockholders; therefore,

Publication to be made. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of direciors of the said "Union Bank at Dover," through its president, be and they are hereby authorized to give publication in two of the newspapers published in the county of Morris, in a newspaper published in the city of Trenton, and in two newspapers published in the city of New York, for the space of two months, that all the circulating notes issued by said bank must be presented at such places in this state, and in the city of New York as such notice shall designate within one year from the date of such notice, or that the funds held by

said bank for the redemption of such notes will be distributed among the stockholders of said bank.

Distribution of assets.

2. *And be it enacted*, That at the expiration of the time above limited, and upon the filing of an affidavit in the office of the secretary of state, by the president of said bank, setting forth that the publication of such notices have been made in compliance with the provisions of this act, the board of directors of said bank shall be and they are hereby authorized to distribute among the stockholders thereof the remaining assets of said bank in proportion to the shares of stock held by him, her or them respectively.

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

Approved March 20, 1866.

CHAPTER CCXII.

An act to establish a State Board of Education.

Board of education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present trustees of the state normal school and their successors in office who shall be appointed in the manner prescribed in the act establishing the state normal school, together with the governor of this state, the attorney general, state comptroller, secretary of state, president of the senate, speaker of the house of assembly, the principal and treasurer of the state normal school, and their successors in office, shall constitute a state board of education.

State superintendent.

2. *And be it enacted*, That the state superintendent of public schools shall be elected by ballot, by the state board of education, and shall hold office for three years, receiving annually a salary of fifteen hundred dollars, and shall be the secretary of the state board; it shall be his duty to collect information respecting the number of school districts in the state, the number of regularly organized public schools, the number of children in the state between the specified ages of five and eighteen years, the number respecting attendance, together with statistics relating to general and local expenditures for public school purposes, and report the same to the board of education annually; and the said state superintend-

ent shall, in addition to the duties prescribed in the act, perform all the duties of his office specified in this act establishing public schools and supplements thereto, and the expenses incurred in the procuring necessary blanks and forms and such other incidental expenses as may be authorized by the board, shall be paid by the state treasurer upon the warrant of the state comptroller.

Annual report.

3. *And be it enacted*, That the state board of education shall consider the necessities of the public schools and submit to the legislature in the annual report such measures as are deemed necessary for perfecting the school system in this state.

Board to make rules, &c.

4. *And be it enacted*, That the state board of education shall prescribe the rules and regulations for holding teachers' institutes, shall have power to appoint instructors for the same, and to direct what course of instruction shall be adopted, but the state superintendent of public schools shall not authorize the payment of the manager of any institute unless there shall be an average daily attendance upon the said institute of at least forty teachers.

Board of examiners.

5. *And be it enacted*, That the superintendent of public schools and the principal of the state normal school shall constitute a state board of examiners, and shall be empowered to hold examinations of teachers at such times and under such rules and regulations as the state board may prescribe; and the said examiners shall proceed to examine and grant certificates to such teachers as are found qualified, both as regards attainments and moral character, which certificates thus granted shall hold good until withdrawn from the holder, on account of failure in the work of instruction or for reprehensible conduct, and the holder of such state certificate shall be entitled to teach in any public school of the state and shall not be subjected to examination while holding the said certificate.

Repairs to grounds, &c.

6. *And be it enacted*, That the state board of education shall have authority to order all necessary repairs to the grounds, buildings and furniture of the state normal school, and to keep said buildings and furniture insured, and the comptroller shall draw warrants upon the treasurer for the payment of the same upon the certificate of the president of said board.

Expenses how paid.

7. *And be it enacted*, That the members of the state board of education shall receive no compensation for their services, but the state treasurer shall pay the necessary expenses

of the said members upon the warrant of the state comptroller.

Annual report to be made.

8. *And be it enacted*, That the said board shall report annually to the legislature in regard to all matters committed to their care under this act.

Meetings.

9. *And be it enacted*, That the first meeting of said board shall be held on the last Thursday of March of the present year, at the state Normal school, at ten o'clock A. M., and at such time thereafter as the board may direct.

Repealer.

10. *And be it enacted*, That all acts or part of acts inconsistent with this act be and are hereby repealed.

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

Approved March 20, 1866.

CHAPTER CCXIII.

A further supplement to the act entitled "An act for the preservation of Clams and Oysters."

Repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "A further supplement to an act for the preservation of Clams and Oysters, approved March ninth, eighteen hundred and fifty-five," as exempts Cumberland county in this state, be and the same is hereby repealed, and that from and after the passage of this act, the provisions and penalties of the said supplements, approved March ninth, eighteen hundred and fifty-five shall apply as fully to the county of Cumberland, as to the other counties of this state.

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

Approved March 20, 1866.

CHAPTER CCXIV.

A supplement to an act entitled "An act to incorporate the town of Union, in the township of Union, in the county of Hudson, approved the twenty-ninth day of March, eighteen hundred and sixty-four.

Boundaries

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundaries of the said town of Union, in the county of Hudson, shall include within its future limits all the lands and premises described as follows, to wit: beginning at the intersection of the Bergen turnpike road with the Bull's Ferry turnpike, and running thence northerly along the Bergen turnpike road to the southerly line of the lands and premises of Louis Becker, thence easterly along the southerly line of Louis Becker's property to the westerly line of the Dallytown road, thence northeasterly along the westerly line of the Dallytown road to the northerly line of the property known as Danielson's five-and-a-quarter acre lot, thence easterly along that line to the northerly line of lands of Cossett, and thence again easterly along said Cossett's line to the centre of the Bull's Ferry turnpike, and thence southerly along the centre of the Bull's Ferry turnpike to the Bergen turnpike road, the point or place of beginning; and that all the inhabitants within the said limits shall be deemed, esteemed and taken to be, and are hereby, constituted the body politic, incorporate in law, by the name of the town of Union, in the county of Hudson, as fully to all intents and purposes as if the boundaries in this supplement specified had been the limits and boundaries mentioned and prescribed in the act to which this is a supplement; *provided*, that the lands included within said boundaries which are by this act taken from the township of North Bergen and have not heretofore been included within the bounds of the town of Union, shall not be assessed or be liable for any portion of the present indebtedness of the said town of Union.

Proviso.

Election of justices.

2. *And be it enacted*, That there shall be elected in and for said town so many justices of the peace as said town would be entitled to have elected therein under the constitution of this state, in case the said town was a township thereof,

anything in the act to which this is a supplement to the contrary in anywise notwithstanding.

Election of surveyors.

3. *And be it enacted*, That the office of the overseer of the streets and highways in said act to which this is a supplement be and the same is hereby abolished, and that there shall be elected at each charter election of said town, in the same manner as other officers are elected therein, three surveyors of highways, who shall hold their offices for one year; and it shall be lawful for the said town council to appoint a collector of arrears of taxes, who shall give bonds for the faithful performance of his duties, and perform the same duties and possess the same powers, and be liable to the same restrictions and penalties as constables in townships now possess and are subject to; and it shall be lawful for the said town council to appoint a collector of arrears of taxes who shall give bonds for the faithful performance of his duties, and perform the same duties and possess the same powers, and be liable to the same restrictions and penalties as constables in townships now possess and are subject to.

Powers of town council

4. *And be it enacted*, That the said the council of the town of Union shall have power and authority upon the application in writing to them of at least one-third of the resident property owners to be affected thereby, to build or cause to be built proper and sufficient drains and sewers, which sewers or drains the said council may order to be built or constructed in any of the public streets or highways in said town, and in case proper and sufficient descent and egress cannot be obtained for such sewers in any of such streets or highways, or if from any other cause it should be more practicable and effectual to have such sewers or drains, or any part thereof, constructed and built elsewhere than in such street or highway, then and in either case the said council may order and direct that such sewers or drains be built and constructed in or through any lot of ground or elsewhere than in such streets or highways, and in no case shall the said council be limited or confined to the construction of open drains and sewers in said town as indicated in said act to which this is a supplement, and the costs and expenses of the construction of such sewers and drains shall be assessed upon and paid by, and shall be and remain a lien upon all the lands and premises benefited thereby in proportion to the benefit received; *provided however*, that in case the said council cannot agree with the owner or owners of any lot or lots of land through which such sewers or

drains may be ordered to be built or constructed as aforesaid as to the amount of damages to be paid to such owner or owners, or in case if any such owner or owners shall be non-residents of this state, or infants, or persons laboring under any disability, that then and in either case a particular description of the land in or through which such sewer is intended to be built shall be given in writing, under the oath or affirmation of the surveyor or engineer of said town, 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 town 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 six days, and to assign a particular time and place for the appointment of commissioners as hereinafter mentioned, at which time, upon satisfactory evidence to him of the service and publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, non-residents in the said town, commissioners to examine and appraise the said land and assess the damages upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, and to be expressed therein not less, however, 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 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 proceed to view and examine the said land 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 town for such land and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths or affirmations aforesaid, in the clerk's office of the said county of Hudson, there to remain of record; a certified copy of such report, description of land, appointment and oaths or affirmations aforesaid, shall be immediately transmitted by the clerk of the said county

of Hudson to the clerk of the said town of Union, who shall immediately file the same in his office, there also to remain on record, which report, or a copy thereof, certified by either the clerk of said county or the clerk of said town, shall be received in evidence in any court of this state, and shall at all times be plenary evidence of the right of said town to have, hold, use, occupy, possess and enjoy the said lands for sewerage and drainage purposes aforesaid, and of the said owner or owners to recover the amount of said damages, with interest and costs, in an action of debt in any court of competent jurisdiction, if said town 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 said land and premises; 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, as he shall think equitable and right, which shall be paid by the said town.

Proceedings in case of dissatisfaction of report.

5. *And be it enacted*, That in case the said town or the owner or owners of the land shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court who shall hold the circuit court of the said county of Hudson at the next term after filing of the said report, the said justice shall have power, upon good cause shown, to set the same aside and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in 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 town 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 town 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 town from taking the said land, upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof to the owner or owners thereof, and if the owner or owners thereof are under any legal disability, then the same shall be first paid into the court of chancery.

Streets and highways.

6. *And be it enacted*, That the said council shall have power and authority to lay out, open, widen and make streets and highways in said town; and in case of laying out or widening of any street or highway in said town the said council shall have power and authority to take all lands and property necessary for such laying out and widening; and in case the said council and the owner or owners of such land and property so to be taken, as aforesaid, cannot agree for such lands and property, then the like proceedings in all things shall be observed and taken as is mentioned and set forth in the fourth section of this act; and the like right of appeal and other proceedings as is mentioned in the fourth section of this act shall be had and enjoyed by either of the parties, and oblige property owners to conform to the opening of streets already laid down.

May take lands.

7. *And be it enacted*, That the council of the said town of Union shall also have like power and authority as is mentioned in the fourth and fifth sections of this act, to take all lands necessary for the purpose of carrying the outlets of any and all sewers into the natural water courses or channels of the said town, and alike proceedings in case of disagreement as to the amount of damages of such lands may be had and taken for that purpose as are provided in fourth and fifth sections of this act.

Maps to be made.

8. *And be it enacted*, That the said council shall also have power and authority to make, or cause to be made, a general grade map of the streets of said town, and also a general sewerage map, and to raise by general ordinance the costs and expenses of such maps in the same manner as other taxes are raised and assessed in said town.

Sidewalks.

9. *And be it enacted*, That the said town shall also have power and authority, to lay sidewalks not more than eight feet wide on the Bull's Ferry turnpike road and also on the Bergen turnpike road, and shall also have power and authority to make and lay sewers in and under the said turnpike roads or any of them or any part thereof; *provided*, however,

Proviso.

that no unnecessary obstruction shall be occasioned to the public travel on the said turnpike roads thereby, and that the surface of said roads shall as soon after the finishing of the said sewers as conveniently may be restored to the same condition in which they were before the building of such sewers.

Assessments.

10. *And be it enacted*, That all improvements in and to the several streets in said town, and for the building of sewers and laying sidewalks and crosswalks and gutters therein, and all other improvements provided for in this act, or the act to which it is a supplement, shall be assessed upon and paid by the lands and property benefited thereby in proportion to the benefit received, anything in the act to which this is a supplement to the contrary notwithstanding.

Penalty for obstructing streets.

11. *And be it enacted*, That the said council shall have power and authority to grade, regulate, pave, and remove obstructions in all streets, public grounds and public property that are now or may hereafter become streets, public grounds, public property or highways, by dedication or otherwise, under such penalties as the said council may by ordinance prescribe, and compel the owners thereof to pay the expenses of said removal; all public highways and streets to be town property,

Publication of ordinances.

12. *And be it enacted*, That the due publication of all ordinances heretofore passed by said council, or that may hereafter be passed by them, and posting of all notices required to be published or posted by said act, or the act to which this is a supplement, shall be verified by the affidavit of the printer of the newspaper in which such publication shall be made, or his foreman, and of the person who posted such notice, and such affidavit shall be filed in the office of the town clerk, and shall be evidence of such publication, and posting in all courts and places.

Council to grade, &c.

13. *And be it enacted*, That the said council shall also have power and authority to fill up the pond and grade and improve the property surrounding the same, as the same is laid out and designated on the map, entitled map of the property belonging to the Hudson County Real Estate Company, known as Union Hill; the said pond known as Indian Pond, and certain property surrounding the same, having been laid out on said map for public use, and in case said council think proper so to do, continue Kossuth street through, and over the same; and the said pond and the prop-

erty surrounding the same, thus laid out for public use, shall also be town property.

14. *And be it enacted*, That the said council shall have power and authority by general ordinance to raise by tax in addition to such sum or sums as may be authorized by the people at any town election of said town, a sum not exceeding fifteen hundred dollars to be asssessed and collected in the same manner as other taxes are assessed and collected in said town and applied as in the thirtieth section of the act to which this is a supplement is mentioned and directed. Taxes.

15. *And be it enacted*, That the said council may amend, alter or repeal any ordinance or ordinances heretofore passed or that may hereafter be passed by them and in case of the passage of any ordinance for the improvement of any street or streets, such ordinance may be amended or altered before the completion of the work in such ordinance mentioned, without in any way invalidating any contract made or work done under or by virtue of such original orders. May repeal ordinances

16. *And be it enacted*, That it shall be lawful for the assessor of the said town of Union to assess either the real or personal estate of any person or persons situated in said town and whose names after diligent inquiry he cannot ascertain, and no assessments for taxes or assessments in said town shall be invalidated or impaired in any way by reason of any mistake in the name of the person assessed or of the person so assessed, designated by a wrong name, and the said assessors shall also have power to assess the lawful poll taxes upon any person or persons in said town whose names he cannot ascertain by giving a description of the person and persons in said town liable to be assessed for real or personal property or poll tax, shall refuse to give their proper names to the assessor when applied to for that purpose shall in addition to any other penalty prescribed by law be liable to the further penalty of ten dollars to be sued for by said assessor in the name of said town before any justice of peace in said county of Hudson, and in case judgment be rendered in favor of said town, the said justice shall issue execution against the goods and chattels and body of the defendant in such suit which execution shall be executed as like writs are executed issuing out of courts for the trial of small causes. Duties of assessor.

17. *And be it enacted*, That it shall be lawful for the said council of the town of Union to license, regulate and control any and all steam and horse railroads that now are or hereafter may be built or laid in said town, and to cause all Council to licenses railroads.

such railroad and railroads and railroad companies, under such penalties and restrictions as the said council may think proper, to conform to such grade as may be established in any street, streets or highways in said town, and in case such railroad or railroads should be laid on any grade either above or below that which may be established as the grade of any street, to compel the said railroad company or companies to raise or lower their rails or railroad tracks, as the case may be, to such established grade, and in case any such railroad or railroads should now or at any time hereafter cross any street or highway on a different grade than that of such street or highway, to compel such railroad company or companies to so construct their road that the public travel may not be interrupted or impeded in any way, and to fill up and grade such streets so crossed a sufficient distance on each side of their railroad, so as to occasion no inconvenience to the public travel, and so that the public may pass over such railroad on as easy a grade as the nature of the ground will permit.

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

Approved March 20, 1866.

CHAPTER CCXV.

A supplement to the act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane."

Preamble. WHEREAS, it appears by the reports of the managers of the state lunatic asylum that the continued high prices of provisions, fuel, clothing and other supplies, renders necessary an increase in the price of board sufficient to make the income of the institution equal to its increased expenditures; therefor,

Charge per week. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful to charge three dollars per week for

keeping in the asylum any pauper or indigent insane person sent to the asylum in accordance with the twentieth, twenty-first and twenty-second sections of the act to which this is a supplement.

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

Approved March 20, 1866.

CHAPTER CCXVI.

A supplement to an act entitled "An act to authorize the extension of the State Lunatic Asylum," approved April sixth, eighteen hundred and sixty-five.

Preamble. WHEREAS, it appears by the report of the manager and superintendent of the state lunatic asylum that the erection of the additional wings to the present building, authorized by the act to which this is a supplement, upon the plans adopted by the managers and deemed by them most appropriate for the completion of the asylum, will cost at least one hundred thousand dollars; therefore,

Increase of appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appropriation made by the act to which this is a supplement, for the extension of the state lunatic asylum, be and the same is hereby increased to the sum of one hundred thousand dollars, and that the treasurer of this state be and he is hereby authorized to pay the same out of the state treasury, as needed in the progress of the work; *provided*, that not more than thirty-five thousand dollars thereof (in addition to the thirty thousand dollars already expended) be paid during the current year. Proviso

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

Approved March 20, 1866.

CHAPTER CCXVII.

An act relative to the Private Secretary of the Governor.

Salary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state may appoint and commission a private secretary to hold his office during the pleasure of the governor, who shall keep a correct record of all executive proceedings and decisions, and do all other acts appertaining to his office which shall be required of him by the governor, for which services he shall receive a salary at the rate of the sum of fifteen hundred dollars per annum, and a certificate from the person administering the office of governor, directed to the comptroller, stating the sum due, shall authorize the comptroller to draw on the treasurer of this state for the payment thereof.

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

Approved March 20, 1866.

CHAPTER CCXVIII.

A supplement to an act entitled "An act to incorporate the Princeton Gas Company," approved March first, anno domini eighteen hundred and forty-nine."

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Princeton Gas Light Company be and they are hereby authorized to increase the amount of their capital stock to fifty thousand dollars, in shares of twenty dollars each.

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

Approved March 20, 1866.

CHAPTER CCXIX.

A supplement to "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to vote by ballot at their Town Meetings," approved February eighteenth, one thousand eight hundred and forty-six.

Overseer of the poor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be but one overseer of the poor in the township of Bloomfield.

Repealer.

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

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

Approved March 20, 1866.

CHAPTER CCXX.

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

Boundaries

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 Passaic river opposite the middle of Ferguson street, thence running westerly along the said Passaic river the several courses thereof, to a point therein where a line extending southerly from the said Passaic river would strike the centre of Madison street, thence along the middle of said Madison street to the middle of Elm street; thence easterly along the middle of Elm street to the termination thereof, thence in the same course in a straight line to a point in the middle of Hamburg place, thence along the several courses of the line dividing the fifth and twelfth wards, as at present constituted, to the place of beginning (comprising a certain portion of

the fifth ward of the city of Newark as the same is at present constituted), shall be and the same is hereby annexed to the twelfth ward of the city of Newark, and shall constitute hereafter, together with that portion of the city of Newark at present constituting the said twelfth ward of the city of Newark, and shall be subject to all the provisions of the "Act constituting the twelfth ward of the city of Newark," approved February second, eighteen hundred and sixty, except so far as anything therein contained may be inconsistent herewith.

Assembly district.

2. *And be it enacted*, That the twelfth ward, as herein created and constituted, shall constitute and form a part of the eighth assembly district of the county of Essex.

Approved March 20, 1866.

CHAPTER CCXXI.

An act to authorize the Delaware Water Gap Slate Company to reduce their capital stock, and afterwards, if they deem it advisable, to increase the same.

Capital stock may be reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, at a meeting of the stockholders of the "Delaware Water Gap Slate Company," convened by order of the board of directors, upon at least twenty days' notice of the time and place of said meeting to be published in a newspaper printed and published in this state, and also in a newspaper printed and published in the city of Philadelphia, a majority in interest of the stockholders voting according to the rule observed in the election of directors under the act of incorporation, shall determine that a reduction of the capital stock of said company is expedient, it shall and may be lawful for the said stockholders, by resolution to be adopted at such meeting, to reduce the capital of said company to such sum as they may deem most likely to promote the interest of said stockholders, by decreasing the par value of the shares of said stock;

Proviso.

provided always, that the capital stock shall not be reduced to a sum less than fifty thousand dollars, and also that the said reduction shall not be legally perfected and established

until a copy of the resolution of the stockholders for that purpose, to be adopted as aforesaid, signed by the president and secretary, and sealed with the seal of said corporation, shall be delivered to the secretary of state of this state, which resolution shall be by him filed in his office and be published in the next succeeding volume of the session laws of this state; and the said resolution or an exemplified copy thereof by the secretary of state, or the said printed copy shall be lawful and sufficient evidence of the contents thereof in all courts and places whatsoever.

Capital stock may be increased

2. *And be it enacted*, That if at any time after the said reduction shall have been made as mentioned in the first section of this act, it shall be deemed advisable to increase the capital stock of said company, it shall be lawful for the board of directors thereof to convene a meeting of the stockholders of said company, giving like notice of the time and place as is required to be given in the first section of this act, and to submit to them the question of restoring their capital stock to the amount of the same as it stood before the reduction, or to such proportion thereof as the said stockholders may then deem advisable; and if the said stockholders or a majority of them in interest shall, at said meeting, or at any adjourned meeting, voting according to the rule observed in the election of directors under the act incorporating said company, declare that the capital stock shall be restored to the amount as it stood before the reduction, or to such other amount as may then be agreed on by resolution of said stockholders, it shall and may be restored accordingly; *provided always*, that the said increase of capital shall not be legally perfected and established until a copy of the resolution of the stockholders for that purpose, to be adopted as aforesaid, signed by the president and secretary and sealed with the seal of said corporation, shall be delivered to the secretary of state of this state, which resolution shall be by him filed in his office, and be published in the next succeeding volume of the session laws of this state; and the said resolution, or an exemplified copy thereof by the secretary of state, or the said printed copy shall be lawful and sufficient evidence of the contents thereof in all courts and places whatsoever.

Proviso.

Par value of stock to be increased.

3. *And be it enacted*, That the directors of said company shall thereupon provide for such increase of capital by increasing the par value of the shares of stock, and shall and may require from the stockholders payment of such sum

per share as will be necessary to raise such increased capital in such installments, and at such time or times and place or places, as they may from time to time deem advisable; Proviso. *provided*, that notice of each installment shall be served upon said stockholders respectively, or be published in one of the newspapers printed and published in this state, and also in one of the newspapers printed and published in the city of Philadelphia, for at least twenty days before the time fixed for the payment thereof at least once in each week; and in case any of the stockholders of said company shall neglect or refuse to pay the said installments, or any or either of them, for the space of twenty days after the same shall be called for or directed by the board to be paid as aforesaid, the directors shall have power by resolution to be adopted by said board to forfeit the shares of each and every person so refusing or neglecting to pay the said installments or any or either of them to and for the use of the said company, and thereupon all the rights of the stockholders whose shares shall be declared forfeited as aforesaid to the extent of said shares shall vest in and become the property of said company.

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

Approved March 20, 1866.

CHAPTER CCXXII.

An act to regulate the passage of Horses and Carriages through the streets of Mount Holly.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for Penalty for fast driving. any person or persons to ride any horse or horses faster than on a slow trot, pace or canter, through the streets and alleys of the built up parts of said place or town of Mount Holly, or to lead or drive any horse or horses or to pass with or in any coach, stage, wagon, sleigh, sulkey, gig, cart, dray, or other carriage or vehicle faster than on a slow pace or trot, through any of the built up parts of the streets and alleys of the said place or town, cases of necessity only excepted, and every

person offending against the provisions of this act shall for each offence forfeit and pay the sum of five dollars, to be sued for and recovered with costs, in an action of debt, before any justice of the peace in this state by any person who shall sue for the same.

Approved March 21, 1866.

CHAPTER CCXXIII.

A supplement to the act entitled "An act concerning Justices of the Peace and Courts of General Quarter Sessions of the Peace," approved April tenth, eighteen hundred and forty-six.

May take recognizances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every justice of the peace or other officer, having power to examine and commit for trial offenders against the laws of this state, before whom any person is brought, charged with any crime except treason, murder, manslaughter, sodomy, rape, arson, burglary, robbery, forgery or suspicion thereof, may take the recognizance of such person, with surety or sureties, if he requires the same in a reasonable sum for his or her appearance before said justice or officer for the examination at a future time not exceeding ten days.

Penalty in case of default.

2. *And be it enacted*, That if any person thus recognized shall not appear before such justice or other officer at the time appointed for further examination as set forth in the recognizance, it shall be the duty of the said justice or other officer to note his or her default on the said recognizance, and to certify the same recognizance and default of the court of oyer and terminer and general jail delivery of the county where he is or hath been a justice or officer as aforesaid, and the same shall thereupon become a record of the said court, and shall be forfeited and proceeded on in all respects as in the case of recognizances for the appearance of persons at said court wherein a default has been recorded.

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

Approved March 21, 1866.

CHAPTER CCXXIV.

An act to require the authorities of the various counties cities, towns, townships and other municipal corporations of this state to furnish statements of the debts and expenditures made by them in support of the late war for the preservation of the Union.

Preamble. WHEREAS, it has been proposed in the congress of the United States that the general government shall assume the debts and expenditures made by the loyal states for war purposes, and also the debts and expenditures made by the various counties, cities, towns, townships and other municipal corporations in the several states; and whereas, in the event of the passage of such law by congress it will be necessary for the state of New Jersey, and the various municipal corporations of the state, to furnish a statement of such debts and expenditures; and whereas such statements can be more readily made now than at any future time; therefore:

Statement of expenses for war purposes to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the counties, cities, towns, townships and other municipal corporations of this state, by and through their proper authorities, shall prepare and forward to the comptroller of this state, at the earliest practicable period, a succinct statement, properly certified, of all moneys advanced or expended by the said counties, cities, towns, townships and other municipal corporations of this state in support of the late war for the preservation of the Union; and where such statements cannot be given with accuracy that the most reliable and well-considered estimate shall be furnished, and all such statements shall set forth for what purpose the expenditures were made and debts incurred, whether for the transportation and payment of soldiers or for bounties to volunteers, or for any other objects connected with the support of the war.

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

Approved March 21, 1866.

CHAPTER CCXXV.

An act to incorporate the Manalapanville and Perrineville 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 Manalapanville and Perrineville Turnpike Company shall be opened by Thomas Baird, William H. Mount Richard Laird, Cornelius H. Herbert, David Baird, Samuel R. Wetherill and David Johnes, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and at such places as they, or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to receive subscriptions.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with the liberty for the said company to increase the same to nine thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred and fifty shares shall be subscribed for the persons holding the same, shall be and they are hereby incorporated into a company by the name of the "Manalapanville and Perrineville Turnpike Company," and by that name shall have, enjoy and exercise, all the rights, powers and privileges, appertaining to incorporate bodies, and necessary to carry the objects of said company into effect. Amount of capital stock.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid on 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 places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in manner aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares Subscriptions to stock payable in installments. Proviso.

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

Proviso.

Proceedings if stock is not subscribed for.

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

Election of directors.

5. *And be it enacted*, That when one hundred and fifty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders giving at least twenty days notice of the time and place of said meeting as hereinbefore directed with regard to the opening of said books at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot seven directors, a majority of whom shall be citizens of this state to manage the affairs of said company for one year, of which election said commissioners, or a majority of them shall be judges; and at the expiration of that term, and annually thereafter, upon like notice given by the directors for the time being, the said stockholders shall elect by ballot the same nnmber 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; *provided nevertheless* that no stockholder shall have more than twenty votes although he or she may have a greater number of shares.

Proviso.

President.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who

shall be a citizen of this state and a resident of the county of Monmouth, who shall hold his office for one year 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.

Directors to fill vacancies.

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

Annual statements.

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

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of said president, or three of the directors, or by the stockholders owning one-fourth of the stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed, with regard to the annual meetings which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting

unless a majority in value of the stockholders attend, and concur therein, who may require the books, accounts and other papers and proceedings of the company to be exhibited to them by the president and directors.

Not dissolved by failure to elect.

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.

Construction of road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Manalapanville, in the county of Monmouth, to intersect with the Hightstown and Perrineville turnpike road at or near Ezekiel Davison's distillery, in said county, so far as shall be deemed most practicable by said company, on and along the public highway leading from the former to the latter place, through lands of C. H. Herbert, T. Baird and others, with privilege, in their discretion, to construct a branch from the same, commencing at the crossing of the roads near the Millstone Church Parsonage and terminating at the said Hightstown and Perrineville turnpike road, near William H. Mount's store, in said county; also in the discretion of said company to be constructed on or upon the highway leading from its beginning to its terminus, and that the width of said turnpike road and branch shall each be governed by the width of the public road or roads upon which they may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid, or before they shall proceed to construct the said branch as aforesaid, they shall pay to the respective owners of the lands over which the same may be proposed to be made, all damages which they will sustain by reason of the construction of the said turnpike road, and if they shall construct said branch, by reason of its construction and in case the said company and any of the owners cannot agree upon the payment 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 materials from his or her land for the constructing and maintaining of said turnpike road or

Proviso.

branch; *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 or whereon said branch may be constructed, paying damages which the owners will sustain thereby, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Breath of road.

12. *And be it enacted*, That the said turnpike road and the said branch shall each be constructed at least thirty-two feet in breadth, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet six inches thereof shall be so graded that in its progress no part of said road or roads shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road and along the line of the said branch not less than eighteen feet in breadth; and whenever the said road or branch, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running [off.]

Proceedings when company and owners can not 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 burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road or branch, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road or branch, and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof or when, by 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, or in the construction of the said branch, 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 the said company to give notice thereof to the persons interested, if known and in this state, and if unknown and 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 commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said lands 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 the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land 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 aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and cost, in an action in any court of competent jurisdiction, in a suit 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 the mortgage, and the said justice shall tax and allow such costs, fees and ex-

penses 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 said company.

Gates to be erected.

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

Rates of toll

For every carriage, sleigh or sled drawn by one beast, one cent;

For every additional beast, one cent;

For every horse and rider, or led horse or mule, five mills;

For every dozen calves, sheep or hogs, 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 or calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones to be erected

15. *And be it enacted*, That before said company shall receive toll for travelling said road or branch road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance said post is from Manalapanville, and if the said branch road shall be completed, mile stones or posts as aforesaid shall be erected and maintained thereon, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Manalapanville aforesaid, and shall cause to be fixed and

always kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted, in large letters, "keep to the right as the law directs."

Penalty for injury to works.

16. *And be it enacted*, That if any person shall wilfully break down, throw down, or deface any of the mile stones or posts so erected on the said road or on the said branch, 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 in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof in an action of debt with costs of suit.

Penalty for delaying travellers

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates and turnpikes, or shall receive more toll than is by this act established, the company 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 the carriages, sleighs or sleds of every kind and description whether of burthen or pleasure, or persons on horseback using said road or branch road, shall keep their horses, carriages, sleighs or sleds on the right hand side of said roads, or either of them in the passing direction leaving the other side thereof free and clear for carriages or persons on horseback; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage and will sue for the same, and shall also be subject to an ac-

tion for damages for every such offence to be recovered with costs of suit.

Proceedings when road and bridges are not kept in repair

19. *And be it enacted*, That if the said company shall not keep said road or roads 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 the township committee of the township wherein the cause of the complaint arose, which town committeemen being disinterested in said road or branch 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 the 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 or branch, 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 keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, he shall for every 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 or branch 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 tollgatherer, permit the gates or turnpikes to be shut and the toll to be collected as before, and the same 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 person or persons making the complaint; and in case the said town committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner as above prescribed, one or more respectable free-

holders in said township, who may be disinterested, to serve in the place of any member or members of the township committee so disqualified.

Limitation. 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, or if the said branch road is not commenced and completed within the like space of time, then and in that case this act as regards either the said road or the said branch road shall 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 gates may be erected. 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 on the said branch 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 March 21, 1866.

CHAPTER CCXXVI.

An act to incorporate the Paterson and Rochdale Horse Railroad Company.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Christian Andrew Zabriskie, Thomas B. Gardner, John A. Hopper, Absalom B. Woodruff, and Samuel Smith, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic in fact and in law, by the name of the Paterson and Rochdale Horse 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 in-

corporation; and such estates therein, whether real or personal, shall vest and continue in said incorporation during the continuance of this charter.

Amount of capital stock

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

Commissioners to receive subscriptions.

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 times and places, as they or a majority of them shall think proper, giving at least two weeks' notice of the same in a newspaper published in the city of Paterson, and at the time of subscribing ten per centum shall be paid upon each share subscribed for, to the said commissioners, or some one of them; and when twenty thousand dollars shall be subscribed, the commissioners or a majority of them shall call a meeting of the stockholders upon like notice as above, to choose five directors, or as many more as may be deemed advisable, not exceeding nine, a majority of whom shall be residents of this state; the election shall be held 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 the money paid in after deducting their expenses and 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 said 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 remain-

Election of directors.

der of the year in which they may happen by a majority of said directors, and in the absence of the president, a majority of said directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide, and if more stock shall be subscribed than the amount of said capital stock the commissioners shall distribute said amount among such subscribers as they or a majority of them shall think proper.

Not dissolved for failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be held at the time when, according to this act it should have been held, 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 officers and directors for the time being shall continue in office until others shall be elected in their stead.

Powers of directors.

5. *And be it enacted*, That a majority of the directors of said corporation shall constitute a quorum, and be competent to transact all business; and they shall have power to call in the remainder of said capital stock by installments not to exceed twenty per centum on each share, by giving two weeks previous notice in a newspaper published in the city of Paterson, but no two installments shall be required to be paid within two weeks of each other; and in case of the non-payment of such installments, they may forfeit the shares upon which such default shall arise.

6. *And be it enacted*, That the said directors shall have power to prescribe such rules and regulations touching the management of the stock, property, estate, effects and business of the said company, and to appoint such officers, agents and employees, and to fix such salaries or compensation for them as they shall deem expedient.

Survey of road.

7. *And be it enacted*, That said company be and are hereby authorized to enter on, survey, lay out, construct and operate a railway, to commence at some point in or near the city of Paterson, in the county of Passaic, to Saddle river, in the county of Bergen.

May construct railroad.

8. *And be it enacted*, That the said company be and are hereby empowered to locate and construct said railway and appurtenances, not exceeding sixty-six feet in width, unless it be necessary for constructing slopes, embankments, turnouts, way depots, way stations or other way structures, and then not more than one hundred feet in width, with as many sets of tracks or rails as may be deemed necessary.

9. *And be it enacted*, That it shall be lawful for said com-

pany, its officers, agents and employees to enter at all times on lands and waters for the purpose of exploring, levelling, surveying and laying out the route of such railway and locating the same or altering such location, doing no unnecessary damage to private or other property, and when the route and location of said railway shall have been determined, it shall be lawful for said company, its officers, agents and employees to enter upon, take possession of, hold, use, occupy and excavate such lands and premises, and to erect embankments, bridges, viaducts and all other necessary works and appliances thereon, and to lay rails and do all other things which may be suitable or necessary for the construction, maintenance and operation of said railway, and to carry into full effect the objects of this act; and the said company may take, use and appropriate any stone, gravel, sand, clay, earth or material on or near the route of said railway; *provided*, that payment shall first be made to the owners of and parties interested in the lands and premises, or materials taken for the purposes of this act upon such terms as are hereinafter provided.

Surveying route of road

Proviso.

10. *And be it enacted*, That if said company or its agent or agents, cannot agree with the owner or owners of such required lands, premises or materials, or with any party lawfully interested therein, for the use or purchase thereof, or if by reason of the legal incapacity or absence of any owner or party interested, no such agreement can be made, a particular description of the lands and premises so required for the use of said company, in the construction and operation of said road shall be given in writing, under the oath or affirmation of the engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of any owner or party interested and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county where said lands, premises or materials are situated, 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 fifteen days and to assign a particular place and time for the appointment of commissioners as hereinafter provided, 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

Proceedings when company and officers cannot agree

freeholders, residents of this state, commissioners to examine and appraise said lands, and assess any damages sustained by any owner or person interested by reason of taking the same, upon such notice of not less than fifteen days, to be served personally or by publication as aforesaid, as shall be directed by the judge appointing such commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question. and 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 premises, and taking into consideration all benefits to be derived from or in consequence of said railway to said owner or person interested, to make a just and equitable appraisement or estimate of the value of said land so taken, and an assessment of any damages incurred, to be paid by said company; said 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 appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which such lands and premises are situated, to remain of record therein, which report or in case of an appeal the verdict of the jury and the judgment of the court thereon, or a copy thereof, certified by the clerk of said county, damages and costs 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 and occupy, possess and enjoy said lands and premises; and either of the judges of the court of common pleas of the county in which said land, premises or materials are situated, shall on application of either party, on reasonable notice to the other party or parties, tax and allow such costs, fees and expenses to the judges, commissioners, clerk or other person performing any of the duties prescribed by this section, as he shall deem equitable and just, and direct by whom the same shall be paid.

Parties aggrieved may appeal.

11. *And be it enacted*, That in case said company or any owner of, or person interested in said lands and premises or material shall be dissatisfied with the report made by the commissioners mentioned in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands, premises or materials so required are

situated 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 served upon the opposite party within ten days after the filing of said petition, which proceeding shall vest in said circuit court, full right and power to direct a proper issue for the trial of said controversy, and to order a jury to be empannelled and sworn as in other causes, 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, premises or material, 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 parties, owners or person interested, then judgment thereon with costs shall be entered against said company, and execution awarded thereon, and if said appeal shall be applied for by the said owners or parties interested, and if the jury shall find the same sum that the commissioners awarded, or the company offered, or a less sum than either, then the said costs shall be paid by the said applicants, and be deducted out of the said sum found by the said jury, or execution may be issued therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company, to the owners of, or parties interested in the land, premises or material in controversy if they so require, or into the court of common pleas to the clerk thereof, in the county in which such lands are situated, if any party refuse to accept the same, and any party entitled to receive the amount awarded by the commissioners may apply for, and receive the same without being thereby debarred from the appeal hereby provided.

Consent in writing to be obtained.

12. *And be it enacted*, That said company shall obtain from every owner of or party interested in any land or premises not in controversy, consent in writing, and from every owner of, or party interested in any land or premises in controversy, or where legal incapacity or absence of any unknown owner or party interested exists, authority to enter upon or acquire such lands or premises in the mode hereinbefore pointed out before said company, its officers or employees

shall enter upon or break ground on any lands or premises, except to survey and lay out said railway, and where by reason of there being such legal incapacity or absence, or such unknown owner or party interested, the compensation awarded in such instances by the commissioners cannot be paid to such owner or party interested, the same shall be paid into the court of common pleas to the clerk thereof, of the county in which said land and premises or materials are situated, subject to the order of the court, to be invested, as the court shall direct, during such disability, absence or unknown ownership or interest and to be paid out to the party or parties interested upon any proper application therefor.

May hold real estate.

13. *And be it enacted*, That in accordance with the foregoing provisions said company may also acquire, have, hold, possess and occupy such real estate or interest therein at or near to the commencement or termination of said railway, and at such other important points along the line of the same as may be necessary for the construction, maintenance and operation of said railway, or for the convenient transaction of business, not exceeding two acres in each, and may erect depots, warehouses and such other structures, and make such improvements thereon as they may deem expedient for the safety of property belonging to themselves or consigned to their charge, or in their custody, and for the necessary uses appertaining to the business and operation of said railway.

Bridges or passages to be erected.

14. *And be it enacted*, That said railway may be constructed along any public road or highway within its route upon obtaining the consent in writing of the township committee in which said route may extend, or a majority of them, and along any street in the city of Paterson on obtaining the consent of the mayor and aldermen of said city or a majority of them; and wherever said railway is located on or across any street or highway, the said company shall, as soon as said track is laid, restore such street or highway to such state or condition as not to impair its usefulness; and such railway and the rails thereof shall be constructed and maintained in such manner, and the rails thereof of such size and pattern as to impair as little as practicable ordinary travel on such street or highway; and where the said railway intersects any farm or other lands, said company shall provide and keep in repair suitable and convenient passages and wagon ways over or under the same, and should the railway intersect any other railroad, or any other railroad inter-

sect this railroad, the company so intersecting shall cause such crossing to be made so as to do the least injury possible to each, and keep the same in repair.

Maps of road to be filed.

15. *And be it enacted*, That whenever said railway shall be finally located, said company shall cause a topographical map and profile of the same to be made, on a scale of not less than ten inches to the mile, showing what lands are taken, which map and profile shall be accompanied with a written abstract of the alignment of the centre line of said railway; said map shall be certified to under oath by the engineer of said company, and be filed within one year from the completion of the location of said road, and one such map comprising the whole of said railway, shall, within a like period, be filed of record in the clerk's office of Passaic county, and a like map of such portions of said railway as may run within the county of Bergen shall be filed of record, within the like period of time, in the clerk's office of Bergen county.

Vehicle for transportation.

16. *And be it enacted*, That said company shall have power to construct or have constructed, or to purchase with the funds of said company, and place and use on said railway, or any part thereof, cars, engines, wagons, carriages or vehicles for their own use, or for the transportation of passengers, or any species of property for hire, to be operated by such motive power as they may deem expedient and proper.

Rates of transportation.

17. *And be it enacted*, That said company be and are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property over their said railway as they from time to time shall think reasonable and expedient; *provided*, they shall not charge more than five cents per mile, and fifteen cents per ton per mile for the transportation, in the carriages of the company, of heavy merchandize and produce usually weighed by the ton, and for dry goods, packages, light articles, coin or bullion and express freight, such reasonable rates as the company shall deem proper, or four cents per mile for every passenger, ten cents per mile for every ton carried on said road in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and the road authorized by this act shall be and is hereby declared to be 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*, the carriages used thereon shall be of the same description

Proviso.

Proviso.

in the formation of the wheels and length of axle, and otherwise reasonably similar to those used by the company and propelled by like power, and shall be regulated as to time of running, starting and rates of traveling, by the company, in the same manner as the carriages of the company are, and according to the rules and regulations of said company as to time of starting, rate of speed, and other matters connected with the mode and manner of running the same.

May borrow money.

18. *And be it enacted*, That the said corporation be and are hereby authorized at any time during the continuance of its charter to borrow such sum or sums of money from time to time, and for such time, as shall be necessary to build, maintain, repair or operate said railway, or to furnish the said company with all necessary rails, buildings, cars, vehicles, engines and animals, equipments, appendages and appliances for the uses and objects of said corporation, and to secure the payment thereof by bond, mortgage, pledge, trust or conditional sale on or of said road, its lands, franchises, apparatus and apparel, property and appurtenances, evidences of debt, securities and choses in action; but no such bond, mortgage, pledge, trust or conditional sale shall be made at any rate of interest exceeding seven per centum per annum, nor shall the same be made or disposed of at any rate less than ninety per centum per annum of par value without the consent by a two-third vote of the stockholders of said company; and any negotiation or transaction thereof, at any rate of interest, discount or deduction duly authorized and certified by such two-third vote, shall not be invalidated by the reason of the rate of interest, discount or deduction thus authorized, nor shall any person or corporation incur any penalty therefor.

Dividends.

19. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said railway.

Tax on capital stock.

20. *And be it enacted*, That as soon as the said railroad or any part of it is in operation the president of the said company shall file under oath or affirmation a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year he shall under oath or affirmation make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the

said railroad or any part thereof shall be in operation the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws and until the said railroad or any part thereof shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies at the same time and rate and in the same manner for the same purposes, and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Penalty for injury to works.

21. *And be it enacted*, That if any person shall wilfully or maliciously injure said railway or any building, works, engines, machinery, animals or other property of the said corporation, such person or persons so offending shall forfeit and pay therefor to the corporation three times the amount of damage 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.

Limitation of time for completion of road.

22. *And be it enacted*, That from and after the fourth day of July, anno domini eighteen hundred and seventy-one, this act shall become void as to so much of said railroad as shall not be then completed and in use; and in case the said company, after the road is completed shall abandon the same or any part thereof, or cease to use and keep it or such part thereof in repair, for the period of one year, then and in that case the franchises granted to said company shall be annulled and the title to the lands and premises over which said railway is located shall revert to the person or persons who would have been legally entitled thereto if this said railway had not been located; *provided, however*, that if such abandonment or failure to use or repair shall be caused by the acts of the state or general government of the United State, or by public enemies during war, invasion, riot or insurrection, such forfeiture shall not inure for the period of such interruption one year thereafter, and in case of forfeiture the superstructure of said railway, its equipments, ap-

Proviso.

pliances and appendages, shall be deemed and taken to be personal property of said company, or their assigns, and shall be by them removed and disposed of within six months after such forfeiture, or in default thereof, the same shall be forfeited and pass to the public authorities of the township or city in which said railway is situated.

State may take road on payment of appraisement.

23. *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 railway and appendages 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 person, 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 name said 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 appraisement, which shall be binding upon said company; and in case the said six commissioners appointed as aforesaid cannot agree upon the seventh person, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, 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 railway, upon payment to the company, or their assigns, 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, or their assigns, of the amount so reported; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof.

Proviso.

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

Approved March 21, 1866.

CHAPTER CCXXVII.

An act amendatory of an act entitled "A further supplement to the act entitled 'An act to authorize the inhabitants of the township of Plainfield, in the county of Union, to raise money.'"

WHEREAS, that by virtue of an act entitled "A further supplement to the act entitled 'An act to authorize the inhabitants of the township of Plainfield, in the county of Union, to raise money,'" approved March twenty-second, eighteen hundred and sixty-five, a poll tax of four dollars on each married male taxable inhabitant, and of eight dollars on each single male taxable inhabitant of said township was authorized to be assessed, levied and collected, and whereas the aforesaid specific tax falls with undue severity upon a large number of inhabitants of the township aforesaid, they being subject to an additional county poll tax of five dollars on each male taxable inhabitant; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the before recited act as authorizes a poll tax to be assessed, levied and collected on the inhabitants of the aforesaid township of Plainfield be and the same is hereby repealed. Repealer.

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

Approved March 21, 1866.

CHAPTER CCXXVIII.

A supplement to an act entitled "A further supplement to an act concerning taxes," approved March twenty-eighth, eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-second section of the act to which this is a supplement be amended to read, after Former act amended.

Proviso. the word "duplicate," "*provided, however*, that the assessors of the several wards of the city of Rahway shall be entitled to receive sixteen cents for every assessment made by them according to law."

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

Approved March 21, 1866.

CHAPTER CCXXIX.

Supplement to an act entitled "An act to incorporate the Perth Amboy Gaslight Company," approved March eighth, eighteen hundred and sixty-one.

Preamble. WHEREAS, the parties interested in the Perth Amboy Gaslight Company omitted paying the sum assessed and declared to be payable on the same by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, within the time limited by the supplement to said act approved March eighteenth, eighteen hundred and fifty-nine; therefore,

Orginal act legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several sections of the act entitled "An act to incorporate the Perth Amboy Gaslight Company," approved March eighth, eighteen hundred and sixty-one, and all acts and proceedings in pursuance thereof and in conformity thereto, had, taken or done by the commissioners named therein, or a majority of them, are declared to be and shall be taken, construed and held to be valid and operative, and of the same force and effect as if the said assessment had been duly paid before the first day of July next ensuing the passage of said act creating said gaslight company.

Commissioners. 2. *And be it enacted*, That John Hall, Joseph L. Crowell and Arthur Sheldon be commissioners for said gaslight company in place of William H. Paterson, Peter R. Hawley and Richard Cornell.

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

Approved March 21, 1866.

CHAPTER CCXXX.

An act to incorporate the Germania Conclaves, Number Eleven, U. O. S. W. M., of the city of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Martin Dapper, John Bertele, William Ressler, Charles Bleich, Phillip Matteas, George Haus, Bernhardt Schnell, and such other persons as now are or may be hereafter associated with them, are hereby constituted a body corporate by the name of "Germania Conclaves, Number Eleven, U. O. S. W. M.," for benevolent and charitable purposes and for the relief of its members. Names of corporators.

2. *And be it enacted*, That the said corporation shall be capable in law to hold by donation, purchase or otherwise, and also to lease and convey from time to time real and personal estate, so far as the same may be needed for the purpose of carrying out the objects for which the said association is incorporated; *provided, always*, that the said corporation shall not at any time hold or possess property, real or personal, exceeding in value the sum of ten thousand dollars. May hold real estate.

3. *And be it enacted*, That the said corporation shall have the power to make and adopt a constitution, by-laws, and regulations for the admission, suspension and expulsion of its members and their government, the election of its officers and to define their duties, and from time to time may alter or repeal the same; and in their corporate name may institute suits for the recovery of all fines, debts, fees, dues and arrearages due the said corporation. Power to make by-laws, &c.

Approved March 21, 1866.

CHAPTER CCXXXI.

A supplement to an act entitled "An act to authorize the inhabitants of the respective townships in the county of Burlington to borrow or raise, by issuing bonds or by tax-

ation, a sufficient amount of money to pay bounties to volunteers, drafted men, or substitutes.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso in the third section of the act to which this is a supplement being all after the word "confirmed," in said section, be and the same is hereby repealed.

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

Approved March 21, 1866.

CHAPTER CCXXXII.

An act to authorize the School Committee for the Preparative Meeting of Friends of Little Egg Harbor to make sale of certain real estate.

Preamble.

WHEREAS, Jonathan Smith and Hannah his wife, by deed of bargain and sale under their hands and seals duly executed, bearing date the twentieth day of June, in the year of our lord eighteen hundred and five, conveyed to Thomas Bellanger and others, "The Committee for Schools for the Preparative Meeting of Friends of Little Egg Harbor, and their successors in office, for the entire use of a schoolhouse and school for the Preparative Meeting of Friends of Little Egg Harbor forever," a certain lot of land therein particularly mentioned and described, and whereas, the said Preparative Meeting have no longer any use for said property for the purposes of a school, and it is desirable that authority shall be given them to sell and convey the same, therefore,

Sale of land authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Willits Parker, Amos Ridgway, Richard B. Bartlett, and James H. Bartlett, who are now the school committee of the said Preparative Meeting or the survivors of them, be and they are hereby authorized to make sale of the said lot of land and premises at public sale, giving at least two weeks' notice of the time and place of such sale, by advertisements under their hands, set up in

at least five of the most public places in the township of Little Egg Harbor, to the highest bidder therefor, and to execute and deliver to the purchaser a good and sufficient deed in the law for the same, and to pay over the proceeds arising from said sale, after deducting the necessary charges and expenses attending the proceedings to the treasurer of the monthly meeting of Friends of Little Egg Harbor.

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

Approved March 21, 1866.

CHAPTER CCXXXIII.

An act to incorporate the Maurice River Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas H. Whitney, Lewis Mulford, and George B. Wood, George W. Thomas, Ferdinand F. Sharp, Samuel Whitney, John L. Sharp, Gen. B. Cooper and Charles Sharps, 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 "Maurice River Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation. Names of corporators.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place and places, as they, or a majority of them may think proper, giving at least twenty days' notice of the same in three of the newspapers Election of directors.

published in this state; and that at the time of subscribing, five per centum shall be paid upon each share subscribed for, to the comissioners, or some one of them; and when one thousand shares are subscribed to the capital stock of the said corporation, the persons holding the same shall be, and they hereby are incorporated into a company as aforesaid; and the commissioners shall give like notice for a meeting of the stockholders, to choose thirteen directors, a majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

President.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual elections of said corporation, shall as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election, and until another shall be appointed; and they shall have power to fill any vacancy which at any time may exist in their board, by death or otherwise until the next succeeding annual election.

Not dissolved failure to elect

5. *And be it enacted*, That annual elections for directors shall be held at such time and places as the board of directors shall hereafter direct, of which elections public notice, as above mentioned, shall be given, and such elections made as is hereinbefore directed; and in case it shall happen that an election of directors shall not be made when it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice be given as before directed; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places; five directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital

stock of said company, by such installments and at such times as they may direct; *provided*, that such payments shall not exceed five dollars on each share per month; and in case of the non-payment of the said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation; and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said directors shall appear proper. Proviso.

6. *And be it enacted*, That in case the whole of the stock authorized by this act is not subscribed, then the president and directors of the said corporation shall have power to borrow the remainder from time to time for the construction of said road and for furnishing the necessary engines, cars, machinery and buildings for the use and objects of the said corporation, and to secure the repayment thereof with interest, by executing bonds and mortgages, or otherwise on the said roads, lands, personal property, property privileges, franchises and appurtenances, of or belonging to the said corporation at an interest not exceeding seven per centum per annum; and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section. May borrow money.

7. *And be it enacted*, That the president and directors of the said company be, and they hereby are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad, with a branch or branches from the main line, from some suitable point at or near Millville, in the county of Cumberland, thence through the county of Cumberland to or near the mouth of Maurice river, in the same county, the said road not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all land or water for the purpose of exploring, surveying, leveling or laying out the route of such To construct road.

railroad and of locating the same, and to do and erect all necessary work buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of 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 and take possession of, hold, have, use, occupy and excavate any such lands and to erect embankments, bridges, piers, wharves, and all other works necessary to lay rails and to do all other things which shall be suitable or necessary for the construction, completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupation of land through which the said railroad may be laid out be made; and if said owner of such land shall not see fit to receive such assessment, the amount of such assessment shall be paid in to the circuit court of the county where the damages occur before the said company or any person under their direction or in their employ shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings when company and owners cannot agree.

8. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof; or if by the reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of

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

section of the act as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

Proceedings in case of appeal.

9. *And be it enacted*, That in case the said corporation or owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises or materials to be had, and the said issue to be tried at the next term of the said court, to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then said costs shall be paid by the said applicant or applicants and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land or materials, upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or (the owner or owners thereof being under any legal disability) the same being first paid into the court of chancery.

Rates of transportation.

10. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon as they from time to time shall

think reasonable and proper; *provided*, that they shall not charge more than at the rate of three cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents; nor shall said corporation charge more than six cents per ton per mile for the transportation of any description of property, nor shall more than one-half of the above rate be charged for carrying any fertilizing material; and the said railroad, with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the corporation, are hereby vested in the said corporation and their successors, for and during the continuance of their charter. Proviso.

11. *And be it enacted*, That the president and directors shall declare and make such dividend of the net profits thereof as they shall deem prudent from time to time. Dividends.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point of the line of said road where the directors may think proper to establish a depot, not exceeding six acres at each place, and may also erect and build thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary use appertaining to their business and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers or bridges, as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable streams, so as not to obstruct the navigation thereof. May hold real estate.

13. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, bridges, wharves, carriages, machinery, or any other works or property of said corporation, such person or persons shall forfeit or pay therefor to the said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation with costs of suit in any court having cognizance thereof. Penalty for injury to works.

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

15. *And be it enacted*, That as soon as said railroad, or any

Annual reports to be made.

part of it is in operation the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad including equipment, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first monday in January of each year, he shall under oath or affirmation make a statement to the secretary of state of the cost of equipment, appendages and expenses of said road, and after the said railroad or part thereof shall be in operation the said

Taxes.

corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other tax as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon and personal property, as now taxed in the city or cities, township or townships where it lies, at the same time and rate and in the same manner, for the same purpose and by the same person or persons as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Approved March 21, 1866.

CHAPTER CCXXXIV.

A further supplement to an act entitled "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty six.

Increased expenses allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expenses for each deaf mute instructed at the charge of the fund provided by the act to which this is a supplement, shall not exceed the sum of two hundred and forty dollars, unless the governor or per-

son administering the government shall be satisfied that the means of such deaf mute or those of his or her parents or guardians, are insufficient to keep such deaf mute supplied with suitable clothing during his or her term of instruction, in which case clothing may be supplied at the charge of said fund at an expense not exceeding twenty-five dollars in any one year for any one pupil so supplied.

Increase of appropriation.

2. *And be it enacted*, That the annual appropriation of six thousand dollars now authorized by law, be and the same is hereby increased to eight thousand dollars, subject to the provisions of the act to which this is a supplement.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, in conflict with or contrary to the provisions and requirements of this act, shall be and the same are hereby repealed.

Repayment of loss authorized.

4. *And be it enacted*, That the governor be authorized to pay to the "Pennsylvania Institute for the Deaf and Dumb," the sum of five hundred and forty dollars and eighteen cents, to be drawn from the fund provided by the act to which this is a supplement, in repayment of loss actually sustained by that institution by reason of receiving compensation only at the rate of two hundred and twenty-five dollars per annum for the support and education of inhabitants of this state from the first of September, eighteen hundred and sixty-four, to the first of March, eighteen hundred and sixty-five; also to the New York Institution for the instruction of the Deaf and Dumb, the sum of three hundred and seventy-three dollars and seventeen cents in repayment of loss actually sustained by that institute by reason of receiving compensation only at the rate of two hundred dollars per annum for the support and education of inhabitants of this state during the past year.

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

Approved March 21, 1866.

CHAPTER CCXXXV.

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

Service in the army to be deducted

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the application of Edward Livingston Price, who has served in the army of the United States during the late war for the suppression of the rebellion, for admission to practice as an attorney in this state, the time during which he has so served in the army shall be deducted from the time of study and practice required under the laws of this state, and the rules of the supreme court.

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

Approved March 21, 1866.

CHAPTER CCXXXVI.

A further supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Power to construct sewer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the said city are hereby empowered to build and construct a main sewer through the centre of Third street from the westerly line of Adams street to the Hudson river, subject to all the provisions contained in the said act and its supplements relative to the building of sewers in said city, except that the application of two thirds of the property facing on the line of said sewer, therefore shall not be required to enable the said council to proceed with the construction thereof, and said council may by ordinance immediately direct the construction and building of said sewer without any petition of the property owners upon said street.

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

Approved March 21, 1866.

CHAPTER CCXXXVII.

A supplement to the act entitled "An act to incorporate the New Jersey Mutual Life Insurance Company," approved March nineteenth, eighteen hundred and sixty-three.

May insure against accident.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company, in addition to the powers heretofore conferred upon them, shall have authority to assure against personal injuries by accident or violence or other outward cause, in such manner and form and on such conditions as to them shall seem expedient.

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

Approved March 21, 1866.

CHAPTER CCXXXVIII.

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

Compensation to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the common council of the city of Newark shall establish or change or alter a grade of any street, road, highway or alley, or section thereof, within said city, they shall make compensation to owners of property for any actual damages caused by establishing or altering or changing such grade, and the compensation to be awarded said owners for damages as aforesaid shall constitute a part of the whole amount of costs, damages and expenses to be assessed as is hereinafter directed; all proceedings for making an estimate and assessment of said damages, and to provide for the payment of the costs, damages and expenses of establishing, altering, or changing said grade, and for the assessment thereof upon the owners of all the lands and real estate intended to be benefited thereby, shall

be had and taken in the manner provided by law in cases of laying out and opening, altering, widening straightening any street, road, highway or alley within said city; said proceedings for establishing, altering or changing a grade as aforesaid, may be had or taken at the same time with proceedings for laying out and opening any street, road, highway or alley, or for altering, widening or straightening any street, road, highway or alley, and by the same commissioners, but in that case the assessments in favor of said owners for damages and against said owners for the payment of the costs, damages and expenses of establishing, altering or changing said grade, shall be made separately and distinct from the assessments for other purposes.

Majority of the old commissioners to act.

2. *And be it enacted*, That in case any commissioner heretofore or hereafter appointed by the common council under the authority contained in the one hundredth or one hundred and sixth sections of the act to which this is a supplement, shall become a resident of a different ward in said city from that in which he resided at the time of his appointment, or shall cease to be a freeholder or resident of said city, before the work of said commissioners shall be completed, said fact shall not, without a resignation by him of his said office, unless the common council shall so elect, constitute the disability contemplated by the one hundred and thirteenth section of said act, but he may continue to act as said commissioner until the completion of said proceedings, and a majority of the whole number of commissioners appointed as aforesaid shall be competent to do any act or perform any duty imposed upon said commissioners.

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

Approved March 21, 1866.

CHAPTER CCXXXIX.

An act further to provide for the State Reform School.

Preamble.

WHEREAS, the trustees of the New Jersey reform school report that the sum appropriated for its establishment is insufficient for the purchase of land, the erection of build-

ings and the various expenditures for furniture, provisions, clothing, and so forth, that will be necessary for the proper accommodation and instruction of the number of boys which they believe will be committed to the school; therefore,

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of sixty thousand dollars be and the same is hereby appropriated to the uses of the reform school for boys; and the treasurer of this state is hereby directed to pay this sum to the order of the board of trustees when approved by the board of control.

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

Approved March 21, 1866.

CHAPTER CCXL.

Supplement to an act entitled "An act authorizing the inhabitants of the township of Chatham, in the county of Morris, to raise money by taxation, for the purpose of filling the quota of said township, under the call of the President, dated December nineteenth, eighteen hundred and sixty-four, and for any future call or calls," approved April fourth, eighteen hundred and sixty-five.

Scrip issued legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the debts represented by the scrip issued by the township committee of said township of Chatham, in pursuance of the resolve had at a special town meeting on the twelfth day of January, eighteen hundred and sixty-five, which is referred to in the preamble to the act to which this is a supplement, amounting to twenty-five thousand seven hundred and forty-five and sixty-three one hundredths dollars together with interest from March eighteenth eighteen hundred and sixty-five, be and the same are hereby legalized and made valid debts of "The inhabitants of the township of Chatham, in the county of Morris," to be paid as hereinafter provided, as fully and effectually as if the said inhabitants before the eighteenth day of March, eighteen hundred and sixty-five, had had lawful authority to create

such debts in the manner in which they were created, to be paid as hereinafter provided.

Bonds to be issued; when payable.

2. *And be it enacted*, That the township committee of the said township of Chatham shall have authority, and authority is hereby given to and it shall be the duty of said committee to issue scrip or coupon bonds, whichever said committee shall deem preferable, not exceeding in the aggregate the sum of twenty-five thousand seven hundred and forty-five and sixty-three one hundredths dollars and interest, which scrip or bonds may be dated on the first day of April, anno domini eighteen hundred and sixty-six, and which scrip or coupon bonds shall be divided into five classes of equal amount as to principal as nearly as possible; the principal of the first class of said certificates or coupon bonds shall be made payable and shall be paid on the fifteenth day of April, eighteen hundred and sixty-seven, and the principal of the second, third, fourth and fifth classes of said certificates or coupon bonds shall be made payable and shall be paid respectively one, two, three and four years thereafter in the order of said classes, on the fifteenth day of April in each of those years; the interest on each class of said certificates or coupon bonds shall be made payable at the rate of six per cent per annum on the fifteenth day of April in each year, commencing with the fifteenth day of April eighteen hundred and sixty-seven, and the said certificates or coupon bonds shall be signed by the chairman of the township committee, and countersigned by the clerk of said township.

Repealer.

3. *And be it enacted*, That all parts of the act to which this is a supplement, which are inconsistent herewith be and the same are hereby repealed.

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

Approved March 21, 1866.

CHAPTER CCXLI.

Supplement to an act entitled "An act to legalize and provide for the payment of certain debts incurred by the inhabitants of the township of Chatham, in the county of Morris, in furnishing men for the military service of the United States," approved March first, eighteen hundred and sixty-five.

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 act is a supplement as imposes a poll tax of ten dollars on every taxable male inhabitant of the township of Chatham, in the county of Morris, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That to aid in the payment of the moneys required by the second and third sections of the act to which this is a supplement, there shall be assessed and collected in every year a poll tax not exceeding the sum of five dollars from every taxable male inhabitant of said Chatham township. Poll tax.

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

Approved March 21, 1866.

CHAPTER CCXLII.

A supplement to an act entitled "An act to incorporate the Manchester Land Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fourth section of the act to which this is a supplement as requires a majority of the stockholders to be residents of the state of New Jersey, be and the same is hereby repealed. Repealer.

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

Approved March 21, 1866.

CHAPTER CCXLIII.

An act to incorporate "The Belleville Printing Company."

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Gibson, John Trenor, Henry H. Trenor, William F. Roelofson and John Eastwood, the present owners, under the name and style of the Belleville Printing Company, of the buildings, machinery and water powers situated on Second river, at Belleville, in this state, formerly owned and occupied by the American Print Works, their successors and assigns, be and they are hereby created a body politic and corporate in fact and in law by the name, style and title of "The Belleville Printing Company," for the purpose of printing and manufacturing cotton, woolen and linen cloths, or other products of cotton, flax and wool, and vending and disposing of the same; and for that purpose the corporation hereby created is authorized to hold and convey the real and personal estate hereinbefore mentioned, and such other real and personal estate as may be necessary for the conduct of the business aforesaid.

Stock transferable

2. *And be it enacted*, That the estate, buildings, water power and machinery referred to in the first section of this act, shall form the capital stock of said company, which shall be divided into two thousand shares of fifty dollars each, which shall be deemed personal property and transferable as the by-laws of said corporation may direct, with liberty, however, to increase the same by additional cash subscriptions from time to time, to an amount not exceeding one million of dollars.

First directors.

3. *And be it enacted*, That the business of said corporation shall be managed by five directors, who shall be stockholders, and the persons named in the first section of this act shall constitute the board of directors for the first year, and thereafter their successors shall be yearly elected at such time and place and in such manner as the by-laws may provide, and at such election stockholders shall be entitled to one vote, either in person or by proxy, for every share of stock by them respectively owned.

Power of directors.

4. *And be it enacted*, That the board of directors created by the third section of this act shall have power to make such by-laws as they may think proper, and which shall not

be inconsistent with the laws of this state, for the management and disposition of the business affairs of such company and the transfer of its stock, and in such by-laws they may prescribe the duties of officers, agents and servants that may be employed, and regulate the manner in which all kinds of business within the objects and purposes of the corporation shall be carried on.

Place of business.

5. *And be it enacted*, That the meetings of the stockholders for the election of directors or the transaction of business shall be held within this state, at such place as may be designated in the by-laws, but meetings of directors may be held and stock transferred at a branch office located in the city of New York.

Restrictions and liabilities.

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

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

Approved March 21, 1866.

CHAPTER CCXLIV.

An act to incorporate the Elizabeth Land and Improvement Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Crane, George W. Tubbs, Augustus C. Kellogg, William F. Day and Francis Harris, 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 Elizabeth Land and Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate in the county of Union 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 purposes aforesaid.

Election of directors.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five 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 October 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 that two weeks previous thereto in a newspaper published in the county of Union, 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 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 William W. Crane, George W. Tubbs, Augustus C. Kellogg, William F. Day and Francis Harris, who shall hold their office until the first day of October next, or until others are legally chosen.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, with the privilege of increasing it to five hundred thousand dollars which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of ten 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 proportions, as

they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper in the county of Union, or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid; and in case of failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time, in the county of Union 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.

May hold real estate.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold from time to time, in whole or in parcels, and to improve the same by grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, subject to the regulations of the municipal authorities of any cities or villages in which such improvements may be proposed, or by erecting or causing to be erected thereon buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots, and to use the same for agricultural purposes or in any other way that the said corporation may deem necessary and advisable, and to purchase, make up and manufacture, sell and dispose of all materials pertaining to the erection of such buildings; and the said company are authorized to issue their bonds bearing interest not exceeding seven per cent. per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds the said company shall have power to convey, or pledge by way of mortgage, trust or otherwise, such portion of the property of said company as the directors may deem necessary for the purpose; *provided*, that the amount of bonds issued shall not exceed two-thirds of the value of the real estate held by said company.

5. *And be it enacted*, That a majority of the directors for

Powers of directors.

the time being shall form a board for the transaction of the business of the said corporation, and shall have 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;

Proviso.

provided, that the same are not contrary to the laws or constitution of the United States or of this state.

Not to be dissolved by failure to elect

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.

Limitation.

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

Approved March 21, 1866.

CHAPTER CCXLV.

Supplement to an act concerning Fees and Costs in criminal cases.

Traveling and other expenses allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any sheriff, coroner, constable or special deputy shall execute any bench warrant, state warrant, capias ad testificandum, or other compulsory process whatever, issued by any court of record or justice of the peace of this state, and in the execution thereof it shall become necessary for such officer to go beyond the limits of his county, the said officer shall receive by way of compensation for the service of such process, in addition to the fees now allowed by law, his traveling and other expenses necessarily incurred in such service, a particular statement of which expenses shall be made out and sworn to by such officer, and when certified to as reasonable by the prosecutor of the pleas of the county from which such process issued, shall be included in the taxed bill of costs and collected and paid as are other fees in criminal cases.

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

Approved March 21, 1866.

CHAPTER CCXLVI.

An act to incorporate the Morris Express and Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles A. Lighthipe, William M. Babbitt, Jedediah B. Bassenger, John Hill, J. Boyd Headley, Louis B. Cobb, Aaron Robinson, John G. Tresdell and George T. Cobb, and their associates and all persons who are or may be holders of the stock hereinafter mentioned, are constituted a body corporate by the name of the "Morris Express and Transportation Company," with full power to sue and be sued, implead and be impleaded, in all courts, both of law and equity, to make and use a common seal, to purchase, hold possess and enjoy such real estate and personal property as may be necessary for the convenient management and carrying on of their business, to carry and transport goods, wares and merchandise, produce, money, bonds, drafts, notes and other valuables from states and territories of the United States to Jersey City, Hoboken and New York city, and from those places respectively to the states and territories of the United States and wherever else the business of the company may require, and to do a general transportation, express and commission business over any lake, railroad, river, canal or turnpike in the United States, or from any point in the United States, to any other point in the United States. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, with liberty to increase the same by a vote of the majority of the board of directors from time to time until the same shall be one million dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and the said corporation may begin operations when fifty thousand dollars shall have been subscribed and ten thousand dollars thereof shall have been paid in cash. Amount of capital stock

3. *And be it enacted*, That after fifty thousand dollars shall have been subscribed, and ten thousand dollars paid in, the said corporation shall be empowered to borrow any sum or sums of money, not to exceed at any time the amount of May borrow money.

the capital, and secure the same by bond, mortgage, pledge, hypothecation or otherwise.

Directors to receive subscriptions.

4. *And be it enacted*, That the subscription of said stock shall be open at such place as the directors shall designate, 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.

Election of directors.

5. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by seven directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday in January in every year, and until others are appointed in their place, and that the said directors shall be chosen on the third Monday of December in every year, at such time and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner to be provided for in the by-laws, and the seven persons shall be the directors who shall receive the greatest number of votes; and if it shall happen that any vacancies occur in any manner, such vacancy may [be filled] by the remaining directors, or a majority of them, at any meeting of the board of directors until the time when the person elected at the next election for directors, shall take their offices by virtue of said election and until after those elected at the first election shall enter upon the duties of their office the following persons shall be directors of the company: Charles A. Lighthipe, William M. Babbitt, J. B. Bassenger, John Hill, J. Boyd Headley, Lewis B. Cobb, Aaron Robinson, John G. Trusdell and George T. Cobb, and that the said corporation may establish and keep offices in Jersey City, Hoboken, New York city or elsewhere, as the business of the company may require, and the directors shall appoint the president and such other officers and agents as they may deem proper for the government of the corporation and the management of their business, and make and establish all needful by-laws, rules and regulations for the conduct of their affairs; *provided*, such by-laws, rules and regulations shall not conflict with the constitution and laws of this state or of the United States.

Proviso.

Stock transferable.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate and transferable in such manner as shall be prescribed by the by-laws of said company, and no dividend shall be made to and among the

stockholders except from and out of the profits of the said corporation.

Not to be dissolved by to failure to elect.

7. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day on which pursuant to this act it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be directed by the said company.

Books to be kept.

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

Limitation.

9. *And be it enacted*, That the said corporation shall continue in existence for thirty years, and that this act shall be deemed and taken as a public act and shall go into effect immediately after its passage, and that the legislature may at any time alter, amend or repeal this act.

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

Approved March 21, 1866.

CHAPTER CCXLVII.

An act to incorporate the Union Locomotive Works.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick W. Donner, Andrew B. Melick, William H. Cornwell, Amplius B. Chamberlain and Edmund Perry, or the survivor or survivors of them, and all such persons as may be hereafter associated with them, or the said survivors, their successors and assigns, shall be and they are hereby declared a body corporate and politic, in fact and in name, by the name of "The Union Locomotive Works," for the purpose of Manufacturing, selling and disposing of locomotive engines, cotton and woolen machinery, and such other articles as the interests of the said company may require, and carrying on the business incident to such manufacture either in the counties of Union, Passaic or Hunterdon.

Election of directors.

2. *And be it enacted*, That the stock, property and concerns of the said company 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 that the said directors shall be chosen on the first Tuesday in January in every year, at such place and time as shall be directed by the by-laws of said corporation, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more of the newspapers published in said counties; and each stockholder shall be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of the said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors so chosen at one election shall be capable of serving by virtue thereof until another election shall be had; and the directors so chosen shall appoint such officers, clerks and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of the 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 elected, shall be filled by such person or persons as the remainder of the directors for the time being, or the majority of them, shall appoint; and that the said Frederick W. Donner, Andrew B. Melick, William H. Cornwell, Amplius B. Chamberlain and Edmund Perry, and the survivors of them, shall be the first directors of said corporation, and shall hold their office until the first Tuesday in January next, and until others are legally chosen.

First directors.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, but as soon as the sum of one hundred thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for the said company to commence their said business, 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 the said company to call and demand from the stockholders all such sums of money by them subscribed, at such time and in such proportion as they shall deem proper, under pain of forfeiting the shares of the said stockholders and all previous payments thereon, if such payment shall not be made in thirty

days after a notice shall have been published for thirty days in one or more newspapers published in the said counties.

Directors to receive subscriptions.

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

Stock transferable.

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

Proviso.

Not to be dissolved by failure to elect.

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

Power of directors.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said 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 said corporation; *provided*, that the same are not contrary to the constitution and laws of the United States and of this state.

Proviso

Books to be kept.

8. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of accounts, in which shall be regularly entered all the transactions 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 to be kept by the president and directors for that purpose.

How dissolved.

Proviso.

9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders specially convened for that purpose; *provided*, that at least three-fourths in amount or value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, or the survivor or survivors of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders

in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivor or survivors of them, shall be trustees for the purpose aforesaid.

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

Approved March 21, 1866.

CHAPTER CCXLVIII.

An act to incorporate the Rochdale Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret Van Wagoner, Anning S. Chittenden, Daniel Holsman, Henry A. Hopper, Augustus Hasbrouck, John F. Barkley and John Hopper, and such other persons as may be hereafter associated with them, shall be and are hereby constituted and declared to be a body politic and corporate in fact and in name by the name of "The Rochdale Railroad Company,' and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of 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 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 shall by their by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons or a majority of them shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they or a majority of them may think proper, giving at least twenty days' notice of the same in three of the newspapers published in this state, and that at the time of subscribing, ten

per centum shall be paid for each share subscribed for to the commissioners or some one of them, and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the 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 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 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 vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors or a majority of them, and in case of the absence of the president, the said board of directors or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

4. *And be it enacted*, That in case it shall happen that an election of directors 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 had 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.

5. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and in case of the non-payment of said installments, or any of them, to forfeit the share or shares

upon which such default shall arise; *provided*, that no such installment shall exceed five dollars per share and that no two installments shall be required within twenty days of each other.

6. *And be it enacted*, That the president and directors of said company be and they are here by authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from a point in Franklin township, within three miles of Saddle River township, in the county of Bergen, in this state, to a point in the township of Union, in the said county of Bergen, and branch roads to connect with any other railroad or railroads in the county of Bergen or in the county of Passaic; *provided*, that neither the said railroads nor any branch thereof shall exceed one hundred feet in width, except in such places where from the depth of the excavation or the height of the embankment it is necessary to take more land for the slope and protection of the side banks of said railroad, or any branch thereof, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary.

7. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, 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 said route of such railroads or its branches, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of 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 the payment of all damages for the occupancy of lands through which the said railroad may be laid out be made before the said com-

pany, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when company and owners cannot agree.

8. *And be it enacted*, That when 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 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 residence if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested and judicious freeholders, residents 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 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 the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the said lands, 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 land and damages aforesaid; and 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 land over which the same may run, which report shall be made in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment 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 said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners to recover the amount of said valuation with interest and costs in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court, shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses, to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section as they or he shall think equitable and right, which shall be paid by the company; *provided, always*, that should the said company or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court of the county wherein the said lands or materials may lie.

Proviso.

Proceedings in case of appeal.

9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of petition to said court, and filed with the clerk of said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of 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 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, their 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 said company shall have offered, or the said commissioners awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever, shall the said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the said commissioners, as the value of such lands and damages, in case the report of the commissioners is not appealed from, and in case the report of said commissioners shall be 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 verdict 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 the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a legal and valid payment; *and further* that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

Proviso.

10. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road, now or hereafter laid out, shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be materially impeded

Erection of bridges.

thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad.

Rates of transportation.

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 on the 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; Proviso. *provided*, that they shall not charge more than at the rate of four cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than eight cents per ton per mile for the transportation of every species of property on said road, in the carriages of said company.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain, over such creeks or streams as the said railroad may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; and may May hold real estate. connect said railroad with any other railroad or railroads in said county of Bergen or said county of Passaic.

13. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad, and pay the same to the stockholders of said company or to their legal representatives, in proportion to the number of shares held by them respectively.

Dividends. 14. *And be it enacted*, That it shall be lawful for the said

company at any time during the continuance of its charter to make such 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 fulfilment of such contracts. Contracts.

15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad, or any part of said railroad enjoyed under the provisions of this act, or of any of the necessary works, wharves, bridges, carriages or machines of the said corporation, 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 also shall be liable for treble the amount of damages sustained thereby, to be recovered by the said company. Penalty for injury to works.

16. *And be it enacted*, That when three miles 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 the restrictions created by this act. May commence running cars.

17. *And be it enacted*, That as soon as the said railroad with its appendages, shall be finished so as to be used; the president and treasurer of said company shall file under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of state of this state, and annually thereafter the president and treasurer of the said company shall, under oath or affirmation make statement to the legislature of this state of the proceeds of said road, and from and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state such amount of tax upon the capital stock of said company as shall by any law of the state be applicable to all railroads the capital stock of which may be taxed by the legislature, be levied upon such capital stock, to be paid annually after the same shall be thus levied, on the first Monday in January of each year. Annual statements to be filed

18. *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 said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage or May borrow money.

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;

Proviso. *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proceedings to be had when the state elects to take road.

19. *And be it enacted*, That at any time after the expiration of thirty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, with 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 said 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, or a majority of them 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 notice of said appointment by the said chief justice, then the said 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 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, and thereupon the state shall have the privilege for two years of taking such 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 the said road and 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 said valuation shall in no case exceed the first cost of the said road with the appendages thereof.

Proviso.

Limitation.

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

Approved March 21, 1866.

CHAPTER CCXLIX.

An act to incorporate "The Camden Iron Works Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert W. Markley, Maurice Browning, John F. Starr, William E. Lafferty, Genge Browning, Jesse W. Starr and Samuel H. Grey, their associates and successors, be and they are hereby created and declared to be a body politic and corporate in law by the name of "The Camden Iron Works Company," and as such shall have perpetual succession and all the privileges and franchises belonging or incident to a corporation. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, divided into shares of one thousand dollars each, with the privilege of increasing said capital stock as hereinafter provided, which capital stock shall be personal property and be transferable on the books of the company. Amount of capital stock

3. *And be it enacted*, That the above named corporators, or a majority of them shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place and upon such notice as they may direct, and at the time of subscribing for said stock, such amount on each share subscribed for shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall direct, and the residue of the subscription shall be paid, satisfied, or secured as the directors of said company when elected, may determine, in such installments, at such times and places and in such manner as said directors shall from time to time direct, giving notice of such time and place in a newspaper printed and published at the City of Camden, for two weeks at least once in each week; and upon the failure of any person or persons to pay, satisfy or secure the payment of such installment or installments or any of them as aforesaid, the directors shall be empowered to forfeit the share or shares of each and every person so failing or any of them, to and for the use and benefit of said company; and any share or shares of stock forfeited as aforesaid may be held by the said company or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company, as said directors may Commissioners to receive subscriptions.

determine, or may be divided proportionately among the remaining stockholders, to be by them held and enjoyed or sold and transferred with all the rights and benefits incident thereto the same in all respects as if they were original shares by them subscribed.

Election of directors.

4. *And be it enacted*, That whenever one hundred thousand dollars of the capital stock aforesaid shall have been subscribed, said commissioners or a majority of them, shall as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place in the state of New Jersey as said commissioners may designate, to choose not less than three nor more than five directors, who shall hold their offices for one year and until others are duly elected, and at such meeting of stockholders convened as aforesaid, said stockholders shall prescribe the time and place for holding the annual elections and the number of directors of said company, which time, place and number of directors shall not be changed except at an annual election of said company; and the directors chosen at such meeting, or at the annual election of said company, shall as soon as may be after their election, choose from their number a president of said company, who shall hold his office for one year and until his successor is duly appointed, and in case of the death, resignation or other incapacity of the president or any director, the vacancy thereby created in the board of directors, may be filled by the stockholders, at a meeting properly convened, for the remainder of the then current year.

Votes how given.

5. *And be it enacted*, That at all elections by stockholders for officers of said company, and at all meetings of stockholders, and upon all questions submitted to them, each stockholder shall cast one vote for each and every share of stock standing upon the books of said company in his or her name, which vote may be cast either by said stockholder in person or by proxy.

Powers of directors.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint a treasurer, secretary and such other officers, agents, clerks, servants and employees of said company as they may deem necessary, and to prescribe and regulate their duties, salaries and compensation; to prescribe the form of and to issue or authorize to be issued, such promissory notes, bills of exchange and business paper of said company, as they may determine; to borrow such

sum or sums of money from time to time, as they may deem advisable for the purposes of said company, and to pledge the property and credit of said company for the payment thereof, or to issue the promissory notes or bonds of said company therefor, and to secure the payment of said promissory notes or bonds either by mortgage or mortgages on the real or personal property of said company, wheresoever situate, or in such other way as said directors may see fit; to make such by-laws, rules and regulations, for the issuing and transfer of the stock and for the government of said company, its officers, clerks, agents, servants and employees, as said directors may determine, and generally to direct, conduct, control and manage the business and affairs of said company, in such manner, consistently with the provisions of this act, as they may think proper.

Place and nature of business.

7. *And be it enacted*, That the principal place of business and chief manufacturing establishments of said company, shall be located in the city, or county of Camden, and that said company shall be, and they are hereby authorized to engage in the manufacture and sale of iron or steel, and of all articles, goods, wares and merchandize, of which iron or steel forms a component or constituent part, and to purchase, sell, mortgage, hold, use, lease, occupy, possess and enjoy, such real or personal property, tools, engines, machinery, fixtures, and materials, in this or any other state or territory as may be necessary or needful for the proper management and conduct of said business; and said company are hereby empowered, whenever, in the opinion of the directors thereof, it may be for the interest of said company to do so, to subscribe, or to accept and receive as part payment for any iron work done, or any goods, wares or merchandize, sold or furnished by said company, the whole or any part of the capital stock of any incorporated company, in this, or any other state, and to purchase, hire, build or construct, such and so many ships, vessels, boats or barges, as may be necessary or useful in carrying on the business of said company; and to erect and build such houses, buildings, structures, workshops, founderies, engines and machinery as said company may require for the transaction of its business: and said company shall be assessed and taxed upon the full and actual value of all their real and personal property only, and not upon the amount of the capital stock paid in; and said corporation shall be entitled to all deductions for and in respect to debts, owing by them, in the same way and to the

same extent, as natural persons now are or hereafter may be under the laws of this state; *provided*, that said company shall not be assessed and taxed in this state for, or by reasons of, or of any interest in any real or personal estate, situate in any other state or territory and taxed therein.

Proviso.

Capital stock may be increased.

8. *And be it enacted*, That said corporation may, by a vote of the stockholders, holding a majority of all the shares of stock, from time to time, increase its capital stock to any sum not exceeding the sum of five hundred thousand dollars, and it shall be lawful for the directors of said corporation to issue certificates for such increased capital stock, to each of the original stockholders, in proportion to the amount of original stock held by them respectively, or, at their option, to receive subscriptions for such increased capital stock, in the same manner as said commissioners are hereinbefore authorized to receive subscriptions for original stock, and to require payment of such subscriptions therefor, in such installments, and at such time and places, and in such manner as they may elect, and in the event of the non-payment of such installments, or any of them, at the time or place or in the manner prescribed by said directors, the said stock may be forfeited and disposed of, in the same manner provided by the third section of this act, in reference to the original capital stock of said company, and upon every increase of the capital stock of said company an affidavit made by the president and by one or more of the directors of said company, specifying the amount paid in under such increase of capital stock, shall be filed in the office of the secretary of state.

Annual statement to be made.

9. *And be it enacted*, That the directors of said company, shall submit to the stockholders thereof, at their annual meeting, a statement in writing of the condition and affairs of said company, and said directors shall divide the net profits of the business of said company, or so much thereof as said directors may see fit, among the stockholders in proportion to the amount of stock held by them respectively, at such times and in such manner as said directors shall determine.

Valuation of materials.

10. *And be it enacted*, That any real or personal property, or any materials, engines or machinery, which may be received in payment for subscriptions, for the stock of said company, shall be taken at a valuation, approved by the persons holding a majority of all the shares of the stock of said company.

11. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the restrictions and liabilities, set forth in an act entitled "An act concerning corporations," approved February 14, 1846, and the several supplements thereto, so far as the same are applicable. Restrictions and liabilities.

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

Approved March 21, 1866.

CHAPTER CCL.

A supplement to an act entitled "An act to incorporate the Weehawken Gas Light Company of the township of North Bergen, in the county of Hudson," approved the twelfth day of March, eighteen humdred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the tenth section of the act to which this is a supplement, in which the said company were required to erect and establish their gas works be and the same is hereby extended five years from the passage of this act, and in case the said Gas Light Company shall erect and establish their said works within five years mentioned in this act, the said company shall possess and enjoy the same powers, privileges and chartered rights given and granted in the said act to which this is a supplement, as if the time limited therein to erect and establish their said gas works had been ten years from the passage of said act. Time for the erection of works extended.

3. *And be it enacted*, That the names of Wm. Aufermauner and Carl Struzer in sections one and three in the act to which this is a supplement be and the same are hereby stricken out, and the names of Charles F. Ruh, Henry Rottmann and Emil Becker be inserted in lieu thereof. Names substituted.

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

Approved March 22, 1866.

CHAPTER CCLI.

An act to extend the charter of the Sussex County Mutual Insurance Company.

Act of incorporation extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Sussex County Mutual Insurance Company," approved February twenty-second, one thousand eight hundred and forty, shall be and hereby is extended and continued for the term of twenty years, from and after the time limited for its continuance by the aforesaid act.

When to take effect.

2. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of the said corporation, but the same shall continue as if this act had not been passed, up to the expiration of the time limited for its continuance when this act shall take effect.

Approved March 22, 1866.

CHAPTER CCLII.

A supplement to an act entitled "An act to incorporate the town of Phillipsburg, in the township of Phillipsburg, in the county of Warren," approved March eighth, eighteen hundred and sixty-one.

Election of councilmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual town meeting to be held in the town of Phillipsburg, on the second Monday of April next, there shall be elected six common councilmen, as is now provided by the act to which this is a supplement; and that at the first or a subsequent meeting of the common council of said town after such election, the common councilmen elected shall divide themselves by lot into two equal classes, one of which shall hold his office for the term of one year, and the other of which shall hold his office for the term of two years, and on the second Monday

of April, eighteen hundred and sixty-seven, and at each annual town meeting thereafter, there shall be elected by the electors of said town three members of the common council, who shall hold office respectively for the period of two years; and in case of any vacancy by death, resignation, or the disability of any councilman, his successor shall be duly elected to fill the unexpired term.

Appointment of overseer.

2. *And be it enacted*, That the overseer of the road of said town shall hereafter be appointed by the common council of said town, and shall hold office for one year, and shall have the same powers, privileges, rights and jurisdiction, and perform the same duties, and be subject to the same restrictions, liabilities and penalties as like officers elected in any township in this state.

Council to fill vacancies.

3. *And be it enatecd*, That the common council of the said town shall have the power and authority, by a vote of not less than four concurring votes, to remove, for any misconduct or malfeasance in office or any neglect of official duty, any officer which by law they are authorized to appoint, and also to fill the vacancies so occasioned, and the person appointed to fill such vacancy shall hold only for the unexpired term of the person in whose place he is so appointed.

Support of the poor.

4. *And be it enacted*, That the common council of the said town shall have power and authority by resolution, after not less than one week's public notice, to determine how much money shall be raised and expended by the said town for the support of the poor of said town, and for the making and repairing of the streets, roads and highways of the said town, which sums shall be assessed and collected in the manner provided for in the act to which this is a supplement, and all moneys raised in said town for making, working and repairing the highways of the said town shall be used and expended by the overseers of the highways under the direction and control of a committee of the common council, appointed by the commou council, to be called the street committee, who shall have the supervision over the streets, highways, alleys and sidewalks of the said town, and the management, direction and control of all work done thereon, and all moneys expended in making, and repairing the same.

5. *And be it enacted*, That the common council of the said town shall have power within the limits of said town;

Boundaries of streets, &c.

I. To ascertain and establish the boundaries of all streets, highways, public lanes and alleys in said town.

II. To lay out and open new streets or alleys within the

To lay out new streets.

said town, and to order and cause any streets, road, highway or alleys, already laid out to be located, straightened, altered or widened, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, in the manner provided for by the act of the legislature entitled "A supplement to the act entitled 'An act to incorporate the town of Phillipsburg, in the county of Warren.'" approved March eighth, eighteen hundred and sixty-one, which supplement was approved March eighteenth, eighteen hundred and sixty-three; *provided*, that the foregoing provisions of this section shall not apply to the lands of the Trenton Iron Company within the limits of the said town.

Proviso.

Sidewalks.

III. To order and cause any street, highway or section thereof, or the sidewalks thereof to be leveled, graded, graveled, paved, flagged or otherwise improved or regulated in such manner as they may deem advisable under the supervision and direction of the street committee of said town, and to cause the expenses of leveling, paving, flagging, guttering, curbing or improving the sidewalks, to be assessed on the adjoining lots, and collected as they may prescribe.

Lighting streets.

IV. To provide lamps and fixtures, and to light the streets, alleys and public places of said town.

Railroad cars.

V. To regulate the running of locomotives, engines and railroad cars within the limits of the said town.

To abate nuisances.

VI. To make and establish ordinances and by-laws for abating and removing nuissances of every kind within the limits of said town, and to compel the owner or occupant or occupants of any lot, house, building, shed, cellar or place therein, wherein may be carried on any business or calling, or in or upon which there may be or exist any matter or thing which is or may be a nuisaance of any kind or destrimental to the health of the inhabitants of said town, or offensive to the occupants of premises adjacent thereto, to cleanse, remove or abate the same, and to provide for the enforcement of any ordinance or by-law made for this purpose, in such manner and by such process and proceedings as they by any such ordinance or by-laws may prescribe.

Public buildings.

VII. To provide for the erection of a town hall, engine house, markets and public buildings in said town, and to acquire and hold lands necessary and convenient for that purpose, and to regulate the use and occupation thereof.

Licenses.

VIII. To revoke upon hearing before the common council any license by them granted to an inn keeper or tavern keep-

er or keeper of any oyster shop, beer shop, ten pin alley or ball alley, or any other license which by law they are authorized to grant.

6. *And be it enacted*, That the said common council is hereby authorized and empowered to contract a debt or debts to an amount not exceeding ten thousand dollars, for the erection of a town hall, engine house, markets and public buildings, and for the grading, sewering, opening and widening the public streets, highways and alleys of said town, and to provide for the payment thereof and of interest thereon, by taxation, in the same manner as other town taxes are assessed and collected, and that in assessing state, county and town taxes in said town, all lands and real estate lying within the corporate limits of the said town shall be liable to taxation in said town; *provided*, that the proviso to the twenty-first section of the act to which this is a supplement, restricting taxation to two mills on the dollar of the assessed value of the property of the said town shall not apply to such taxation as may be necessary to provide for the raising and paying of the indebtedness authorized by this section. May contract debt. Proviso.

7. *And be it enacted*, That in all actions brought or complaints made for the violation of the ordinances of the said town as provided for in the eighth section of the act to which this is a supplement, the first process shall be either in the nature of a summons or of a warrant, as the justice or mayor, before whom such action may be brought or complaint made may seem most advisable, and shall be served, executed and returned in the same manner as like process under the act entitled "An act constituting courts for the trial of small causes;" and upon the return of such process, or at the time to which the hearing shall be adjourned, the justice before whom such action is brought, or the justice or mayor before whom such complaint is heard, shall proceed to hear the testimony and determine and give judgment in the matter, with the costs of suit, and if judgment is rendered against the defendant in any action brought to recover a penalty in pursuance of the said eighth section of the act to which this is a supplement, the justice by whom such judgment is given shall issue his warrant thereon under his hand and seal, directed to the high constable of said town, or any constable of the county of Warren, commanding him to make the said penalty and cost of the goods and chattels of the defendant by selling the same, and in default of goods and chattels whereof to make said penalty and cost, to con- Proceedings for violation of ordinances.

vey the said defendant to the town prison or the jail of the county of Warren, and there imprison him for a period in the said warrant expressed, not exceeding seven days.

Ordinances to be received as evidence.

8. *And be it enacted*, That the record of ordinances entered in the book of records of the said town, or any book of ordinances printed by the authority of the common council, shall be received in evidence in all courts as evidence of the passage according to law of all ordinances duly recorded therein, and the publication of the said ordinances in the manner required by the eighth section of the act to which this is a supplement shall in all cases be presumed to have been made until the contrary be proved.

Repealer.

9. *And be it enacted*, That so much of the act to which this is a supplement, and of the several supplements thereto, as conflict with the provision of this act be and the same are hereby repealed.

10. *And be it enacted*, That this act shall be a public act, and shall take effect on the second Monday in April next.

Approved March 22, 1866.

CHAPTER CCLIII.

An act to incorporate the Military Hall Company of Freehold, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James S. Yard, Thomas W. Ryall, George W. Vanderveer, John H. Ellis, David D. Cawley, George W. Shinn and John B. Conover, their successors and all other persons who shall become subscribers and owners of the capital stock hereby created, 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 "The Military Hall Company," and by that name shall have power to lease or purchase and hold real estate, in the township of Freehold, in the county of Monmouth, and to erect thereon a building or buildings for Military and other purposes, and to transact all such business as may be incident to the erecting, or leasing said premises or otherwise disposing of the same, and to mortgage, or sell and convey said real estate and premises or any part thereof in fee simple.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of twenty thousand dollars, divided into shares of twenty dollars each, said shares to be deemed personal property, transferable in such manner as the by-laws of said company shall direct. Amount of capital stock

3. *And be it enacted*, That the government of said company and the management and disposition of its stock, property, and concerns shall be vested in seven directors, chosen from among the stockholders, in the manner hereinafter directed, who shall hold their office for the term of one year, and until others are elected; and in all cases the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been held; 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 directors, or a majority of them, may proceed to choose persons to fill such vacancy or vacancies; the said directors shall appoint, from among themselves, a president, a secretary and treasurer. Election of directors.

4. *And be it enacted*, That the election for directors aforesaid shall be held annually on the first Tuesday in May, at such place in Freehold as shall be directed by the by-laws of the said company; and public notice of such election shall be given in one or more of the newspapers printed in Freehold, not less than five days previous thereto; 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 the said company. Notice of election to be made.

5. *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 company 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 by-laws of said company; and the following persons shall be commissioners to open books and receive subscription for the capital stock of said company, and whenever the sum of five thousand dollars of the stock is subscribed, to call the first meeting of stockholders for the election of directors, namely: James S. Yard, George W. Vanderveer, John H. Ellis, Thomas W. Ryall, David D. Cawley, George W. Shinn, and John B. Conover. Not to be dissolved by reason failure to elect.

6. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of account, in which Books to be kept.

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

May erect buildings.

7. *And be it enacted*, That whenever the sum of ten thousand dollars of the stock as aforesaid is subscribed, and ten dollars on each share paid in, the president and directors may purchase a lot or lots of ground, and proceed to erect thereon such buildings as may be deemed needful and proper for the purposes of the company, and that installments of the shares subscribed may be called in as the wants of the company may require; and any stockholder refusing or neglecting to pay the installments as required by the directors, after thirty days notice, his, her, or their installments paid in may be forfeited to the company, by order of the directors.

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

Approved March 22, 1866.

CHAPTER CCLIV.

An act to incorporate the "Sweetman's Lane Turnpike Company."

Commissioners to receive subscriptions.

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 "Sweetman's Lane Turnpike Company," shall be opened by Charles H. Snyder, John P. Ely, Jacob L. Pittenger, William J. Davison, James A. Reid, Livingston Dubois and Enoch Ely, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock at such times and places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Monmouth, in this state.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty for the said

company to increase the same to fifteen thousand dollars and shall be divided into shares of twenty-five dollars each and that when two hundred or more 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 "Sweetman's Lane Turnpike Company," and by that name shall have, enjoy and exercise all rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Installments

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed 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 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 the manner aforesaid, and upon failure of the payments thereof as directed, the president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for, shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that 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, at such time, and upon such notice as the directors may determine.

Proviso.

Proviso

Proviso

Incorporation how made void.

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

5. *And be it enacted*, That when two hundred shares of

Election of directors.

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

President powers and duties.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid the said directors shall elect from among their number a president of their said company, who shall hold his office for one year and until another shall be elected, and receive such compensation as a majority of the directors shall direct, and shall be the presiding officer of 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 death, absence or inability to do so, 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.

Directors to fill vacancies.

7. *And be it enacted*, That the said directors or a majority of them, may supply any vacancy in the interval between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, 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 en-

force such ordinances and by-laws as they may think expedient for regulating the transfer of stock and for the general government of the company and management of its affairs; *provided*, the same are not unlawful or unconstitutional. Proviso

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

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

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be held at the time specified by this act, the same may be made at any other time 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 nor avoided by reason of irregularity or want of such election. Not to be dissolved by failure to elect.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from William Gravatt's blacksmith's shop, in the county of Monmouth, to James Rue's corner, in said county, which said turnpike road may be constructed on and along the public highway known as the Sweetman's lane road, leading from William Gravatt's blacksmith's shop to Charles Snyder's mill, thence on and along the public highway leading from Charles Snyder's mill to James Rue's 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 as aforesaid, they shall pay to the respective owners of the lands over which the said turnpike is con- May construct road. Proviso.

structed 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 owners cannot agree upon the amount of said damages, 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 materials, from his or her lands for the constructing or maintaining said turnpike roads; *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 owners will sustain thereby, and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Width 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 eighteen feet in breadth; 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 overset, the said company shall cause good and sufficient railing 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 burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when,

by 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 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, and 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 hereafter 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 damage, 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 to proceed to view and examine the said lands or materials and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by said company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid in the clerk's office of the county of Monmouth, to remain on record therein, and shall be recorded by the 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 the said commissioners to have,

hold, use, occupy, possess and enjoy the land or material 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 of their treasurer, and shall constitute a lien upon the property of the company in a nature of the mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice or 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.

May erect gates.

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

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent;
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, mules, or calves, or cattle, or sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any persons passing to or from public worship on the Sabbath day, or passing 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 training on a muster day appointed by law, or any other military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States.

Mile stones to be erected

15. *And be it enacted*, That before the said company shall receive toll for traveling said road they shall cause mile

stones or posts to be erected and maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance the stone or post is from Rue's corner, 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 painted in large letters, "keep to the right as the law directs."

Penalty for injury to works.

16. *And be it enacted*, That if any person shall willfully break down, or 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 the 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 gate or gates 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 any action for damages for the same, to be recovered by the said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team or horse, turn off of the said road to pass a gate or gates, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five dollars, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for unnecessary delay.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any gate or gates, or demand and 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 the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road shall keep their horses, carriages, sleighs or sleds on the right hand side of the said road in the passing directions, leaving the other side of the road free and clear for carriages or persons on horseback, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or

her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

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 the 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 the 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 said road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of the 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 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 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 same 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 person or persons making complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall ap-

point, in the manner as 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.

Limitation.

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

When toll may be taken.

21. *And be it enacted*, That when the said company shall have completed 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 rules herein specified.

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

Approved March 22, 1866.

CHAPTER CCLV.

An act to authorize the Trustees of the Methodist Episcopal Church of Bordentown, in Burlington County, to sell the whole or a part of their church property.

Trustees to sell church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob E. Morton, Charles Bodine, junior, David T. Levins, Lewis Carty, William D. Rodgers, William Alston and Jacob Meseroll, trustees of the Methodist Episcopal church at Bordentown, are hereby authorized and empowered to sell at public or private sale their church property situate in Bordentown aforesaid, or such part or parts thereof as they may deem expedient or neccessary, and to execute and deliver to the purchaser or purchasers a good and sufficient deed for the same under the hands and seals of the said trustees or a majority of them, by which said purchaser or purchasers, their heirs and assigns shall hold the same so conveyed to their own use, free and clear, and absolutely discharged from all trusts whatever upon which the same has heretofore been held.

2. *And be it enacted*, That when such sale shall take place

Proceeds of sale to pay debts.

the proceeds thereof shall be appropriated to the liquidation of such debts as have been or shall hereafter be incurred by said trustees in their corporate capacity.

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

Approved March 22, 1866.

CHAPTER CCLVI.

An act to authorize the inhabitants of the road districts in the township of Millstone, in the county of Monmouth, to elect their Overseers.

Election of overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the several road districts in the township of Millstone, in the county of Monmouth, shall elect their respective overseer or overseers of the road, voting viva voce on the Saturday following the annual town meeting in said township, at two o'clock in the afternoon of said day, at a certain place in each road district to be designated by the town clerk of said township by notice in writing set up at the place where said annual town meeting is held, by ten o'clock in the forenoon of the day of such annual town meeting.

Notice to be recorded.

2. *And be it enacted*, That the town clerk shall record upon the township records a copy of the notice by him as aforesaid set up, which record shall be evidence of the places at which such district elections were ordered to be held.

Moderator.

3. *And be it enacted*, That the person chosen as moderator of said district election shall within three days after such election report to the town clerk the person so chosen as overseer, and the said town clerk shall cause the same to be recorded upon the township records.

Penalty for neglect.

4. *And be it enacted*, That the town clerk who shall refuse or neglect to perform any of the duties required by this act, shall upon the complaint of any legal voter living in the district be fined twenty dollars in an action of debt before any justice of the peace living in the township, one-half of which sum shall go to the complainant and the other half to the use of the district.

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

Approved March 22, 1866.

CHAPTER CCLVII.

A supplement to the act entitled "An act to incorporate the Hainesport, Lumberton and Vincentown 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 said Hainesport, Lumberton and Vincentown Turnpike Company, to abandon the right of said company to take toll on said road, and the said company are and from henceforth shall be absolved and discharged from keeping the same in repair, and the said company shall have power from time to time, to sell and dispose of all the bridges, toll gates and toll houses along said road, and that said corporation shall from thenceforth be deemed and taken to be dissolved. Corporation dissolved.

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

Approved March 22, 1866.

CHAPTER CCLVIII.

An act to incorporate the Barnegat Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Archibald Russell, Clarence S. Brown, John Rutherford, Thomas C. Van Arsdale, William Cox, Joseph Olyphant and James Bodine, and such other persons as may hereafter be associsted with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of Names of corporators.

"The Barnegat Railroad Company," and by that name they and their successors and assigns shall and may have continual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the objects of this incorporation.

Amount of capital stock

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

Election of directors.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and at such place or places as they, or a majority of them may think proper; and at the time of subscribing for said stock ten per centum on each share subscribed shall be paid to said commissioners; that whenever there shall be two thousand shares of said stock subscribed, the said commissioners may give notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed 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 a majority of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to said directors; 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 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 re-

mainder of the year wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation will provide.

Not dissolved for failure to elect.

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

Installments

5. *And be it enacted*, That a majority of said directors shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company, by such installments not to exceed five dollars on each share at any one time and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days' from each other; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Power to construct road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from Manchester, in Ocean county to Barnegat, and thence to Manahawkin, in the same county, and with the privilege of extending the said railroad to Tuckerton, in Burlington county, and of constructing such spurs or lateral roads running in an easterly direction not exceeding each ten miles in length, to such other points on the sea coast in the county of Ocean, as may be deemed most for the public good; the said railroad and spurs not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said company, their agents, en-

gineers, superintendents, and others in their employ, to enter at all times upon all lands or waters, for the purpose of exploring, surveying, levelling or laying out the route of such road and spurs, and of locating the same, and to build and erect all necessary buildings and appendages thereof doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works neccessary to lay rails, and to do all other things which shall be suitable or necessary for the completion and repair of such road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of payment, of 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 roads, unless the consent of the owner or owners of such lands be first had and obained.

Proviso.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That if the owners of the land on which such railroad or railroads shall be made shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the court of common pleas of the county in which the said disputed lands shall lie, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the other party of such application, and after hearing the parties, to appoint three disinterested commissioners of said county to assess the price or value of said land, who are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of the said road, through any improved lands over which the same may run, who shall be sworn before said judge faithfully to execute the duties of such appointment; and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such de-

cision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land and the quantity taken, by whom owned, and how situate, bounded and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies thereof may be 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 common pleas of the county at the next 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 proceedings shall vest in the said court of common pleas full right and power to hear and adjudge the same, and if required they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue if need be; but if the said jury be demanded by the owner or owners, and they shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid.

Proceedings in case of disability.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any 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, such specification, under oath, of the land required, and notice or publication thereof having been made and given, as the said judge shall have directed, into the court of chancery to the clerk thereof, subject to the order

of the said court, for the use of said owner or owners; all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, above provided for; and the said judge shall and may order and direct the amount of costs and charges of such specification, valuation, notice, appraisement, and witness fees to be paid as aforesaid.

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 and passages over or under the said railroad or roads where any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road shall not be 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 wagon ways over or under said road, so that he may pass the same; and if the company neglect to perform the same, the owner or possessor, after giving thirty days' notice to the company so to do, may do it himself, and recover the value of the work from the corporation by common process of law.

Rates of transportation.

10. *And be it enacted*, That the president and directors of the said company shall have power to construct or to purhase with the funds of the company, and to place on any 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 expedient, right or reasonable; *provided*, they shall not charge more than at the rate of eight cents per mile per ton for the transportation of property on the said road or roads, or four cents per mile for carrying each passenger on said railways; and that the railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

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 dividends as they may deem prudent and proper of the net proceeds thereof, and shall in like manner semi-annually declare such dividends and pay the same to the stockholders of the said company in propor-

portion to the amount of shares held by them respectively.

Penalty for injury to works.

12. *And be it enacted*, That if any person shall wilfully injure, impair, destroy or obstruct the use of any railroad constructed under the provision of this act by the said company, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and further shall be liable for all damages.

May hold real estate.

13. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and termination of said road and spurs, or at any other points along the line of said road where the directors may think proper to establish a depot, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, wharves and other such buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Annual statement to be made.

14. *And be it enacted*, That as soon as the said railroad or any part of it is in operation the president of the said company shall file under oath or affirmation a statement of the amount of the cost of the said railroad, including equipment, appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state, of the cost, equipment, appendages and expenses of said road and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon and personal property as now taxed in the city or cities, township or townships wherein it lies at the same time and rate and in the same manner, for the same purposes, and by the same per-

son or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

May borrow money

15. *And be it enacted*, That the said corporation shall have power to borrow from time to time such sum or sums of money, not to exceed in the aggregate the amount of the subscriptions to their capital stock, as shall be necessary to build, construct or repair said road, and to furnish the said corporation with all the necessary engines and machinery for the uses and objects of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise on the said road or roads, land, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act.

May make contracts.

16. *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 corporation, or with individuals, for transporting or conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts.

17. *And be it enacted*, That the said corporation shall have power to make such deviations from the line of said railroad as from time to time the directors thereof may deem expedient; *provided however*, the right of any individual or individuals to demand and recover damages for any injury sustained in consequence of such deviation or change, shall not be affected by the provisions of this section, and that such deviation shall not extend beyond one mile from the line of the road as surveyed.

Proviso.

Limitation.

18. *And be it enacted*, That if the said railroad shall not be completed and in use from Manchester to Barnegat within three years from the fourth day of July now next ensuing, and to Manahawken within four years and to Tuckerton within five years, then and in that case this act shall be void.

Who may ride free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, the state superintendent of public schools and the principal of the normal school,

whilst travelling 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 their annual or other sessions, shall pass and repass on the railroad of said company free of charge.

Capital not to be used for banking purposes.

20. *And be it enacted*, That the said company shall not have power to use or employ any part of their capital stock or moneys for banking or other purposes not clearly indicated by the provisions of this act, under the penalty of forfeiting their charter; and that the legislature of this state shall, at any time hereafter, have power to alter, modify or amend this charter, whenever in their opinion the public good shall require it.

State may take road.

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

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so reported as aforesaid within the time in that behalf hereinbefore specified; *provided*, that the sum to be paid shall in no case exceed the original cost of said road; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road and of all the receipts and disbursements of the said company.

Proviso.

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

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

Approved March 22, 1866.

CHAPTER CCLIX.

An act to authorize the inhabitants of the township of Mendham, in the county of Morris, to raise by taxation an amount of money sufficient to repay certain moneys advanced to said township to pay bounties to volunteers and substitutes under the last calls of the president of the United States for additional men for the military and naval service of the United States.

Preamble.

WHEREAS, the inhabitants of the township of Mendham, in the county of Morris, are justly indebted to Melanethon W. Homon and John W. Phenix, of said township, in the sum of seven thousand dollars or thereabouts, with interest, for moneys advanced by said Melancthon W. Homon and Johu W. Phenix, at the request of a majority of the taxpayers of said township, to pay bounties to volunteers and substitutes to fill the various quotas of said township under the last calls of the president of the United States for additional troops; now therefore, in order to reimburse and pay the said Homon and Phenix for such advances and interest, and all expenses by them incurred,

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

tants of said township to raise by taxation an amount of money sufficient for the purpose aforesaid. Money to be raised by tax.

2. *And be it enacted*, That the said tax shall be assessed, levied and collected at the same time and in the same manner that other taxes for township purposes are or shall be by law assessed, levied and collected. Taxes.

3. *And be it enacted*, That in case sufficient shall not be realized from the first assessment to be made by virtue hereof to discharge the said indebtedness, then and in that case the assessor of said township shall at the next regular annual assessment thereafter assess and levy upon the taxable property aforesaid, in manner aforesaid, an amount sufficient to pay the deficiency. When not sufficient to pay indebtedness.

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

Approved March 22, 1866.

CHAPTER CCLX.

An act relative to highways, and the duties of Overseers of the same, in the township of Belleville, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every overseer of the highways in the township of Belleville, in the county of Essex, elected after the passage of this law, to work out on the highways of the district for which he shall have been elected by the first day of July in each year, all moneys advanced to him for that purpose by the township committee of the said township. Duty of overseers.

2. *And be it enacted*, That it shall be the duty of each of the overseers aforesaid, to account to the said township committee in writing, under oath or affirmation, prior to the close of his official term, and during the last month of said term, for the disbursement of all moneys received by him for the repairing of roads, presenting in said accounting, a true and full account, with dates and items, to whom payments were made, the character and extent of the service rendered or of the materials furnished therefor, with the Overseers to render accounts of receipts and disbursements.

date of each transaction; and also the date and time charged by him for overseeing and the compensation retained by him for the same.

Balance of money to be paid over.

3. *And be it enacted*, That it shall be the duty of each of the overseers aforesaid to pay over to the said township committee at such accounting any balance of money which is unexpended, for the use of his successor in office.

Chairman to administer oath.

4. *And be it enacted*, That the chairman of the township committee for the time being, of the said township of Belleville, shall be and he is hereby authorized and empowered to administer the oath required to be taken by the overseers of the highway.

Penalty for neglect of duty.

5. *And be it enacted*, That if any overseer of the highway of said township shall neglect or refuse to perform any of the duties required of him by this act, he shall, for every such offence, forfeit and pay fifty dollars, to be recovered with costs, by action of debt, in any court having cognizance of the same, by the clerk of the said township, to be applied on recovery to make and repair the highways of the district for which he was elected.

May borrow money.

6. *And be it enacted*, That it shall be lawful for the township committee of the said township of Belleville to borrow money, from time to time, as in their judgment the interests of the township may require, in the corporate name of said township, in anticipation of any tax voted for road purposes in said township, not exceeding the amount voted, and to secure the same by bond, note, or other instrument of writing, which bond, note, or other instrument of writing, signed by the chairman of the said committee and attested by the township clerk, shall be valid and binding upon the inhabitants of the said township.

7. *And be it enacted*, That all acts conflicting with the provisions of this act be and they are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 22, 1866.

CHAPTER CCLXI.

An act entitled "An act to charter the Squankum Railroad and Marl Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John D. Buckelew, Charles Butcher, Francis H. Holmes, Peter Cortelyou, Samuel T. Williams, Joel Parker and Robert F. Stockton, jr., 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 Squankum Railroad and Marl Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient to the object of this corporation. Names of corporators.

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

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation at such time or times and place or places as they or a majority of them may think proper; and at the time of subscribing for said stock five dollars on each share subscribed shall be paid to said commissioners; that whenever there shall be five hundred shares of the said stock subscribed the said commissioners may give notice for a meeting of the stockholders to choose five directors; and such election shall be made at the time and place appointed by Election of directors.

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 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, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death or resignation or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors or a majority of them; and in case of the absence of the president the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of said corporation shall provide; each director shall own in his own right at least five shares of the capital stock; any director ceasing to be the owner of the requisite amount of stock, or having in any other manner become disqualified, shall thereby vacate his place.

Not dissolved by reason of failure to elect.

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

Powers of directors.

5. *And be it enacted*, That three directors of the 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 (not exceeding ten dollars on each share at any one time), and at such time as they may direct; *provided*, that such installment shall not be called for at a shorter period than thirty days from each other; and in case of non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper, touching the management and regula-

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tion of the stock, property, estate and effects of the said corporation; and also, shall have power to appoint a secretary, and so many clerks and servants as to them seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Power to construct road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, locate and construct, maintain and operate a railroad from some point in the county of Monmouth, at or near Freehold, to some point at or near Farmingdale in said county, with the privilege of connecting with the Freehold and Jamesburg Agricultural railroad or the Raritan and Delaware Bay railroad, or both; also with the privilege of building a spur or spurs to the marl beds, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, leveling, or laying out the route or routes of such railroad or lateral roads, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road or lateral roads shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road or roads, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment, of all damages for the occupancy of lands through which the said railroad or railroads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

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Proceedings when company and owners cannot agree.

7. *And be it enacted*, That if the owners of the lands on which such railroad or railroads shall be made shall not be willing to give the same for such purpose, and the said company or owners cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county in which the said disputed land shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and awards as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county at the next term after such decision of the commissioners, by proceeding, in the form of petition, to the said court, within five days' notice in writing to the opposite party, of such appeal, which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and, if required, they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with cost, against the company, and execution issued, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted

out of the said sum so awarded, or execution issued therefor, as the court shall direct, and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Proceedings in case of disability.

8. *And be it enacted*, That in case any owner or owners of such land and real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said 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 order of the said court, for the use of said owner or owners, all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement and witnesses' fees.

Erection of Bridges, &c.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads when any public or other road shall cross the same, so that the passage of carriages, horses and cattle on the said road, shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual to provide and keep in repair suitable wagon-ways over or under said road, so that he may pass the same; and if the company neglect to perform the same, after giving twenty days' notice to the company by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation by common process of law.

Rates of transportation.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any 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; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road or roads

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or six cents per mile for carrying each passenger on said railways, in the carriagesof the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railway, in the carriages of others, and three cents per mile for each empty carriage; and that the railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

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 proceeds thereof, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

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 constructed under the provisions of this act by the said company, or if 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 commencement and termination of said road or roads, not exceeding five acres at each place, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages and other necessary uses; and take and receive the rent, profits and emoluments thereof; and shall have the privileges and authority to erect, build and maintain such bridges over all streams of water on the line of the said road as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Annual statement to be made.

14. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company

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

15. *And be it enacted*, That at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road and appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them shall report the value thereof to the legislature within one year from the time of their appraisement; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or, in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after 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 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 State may take road.

such appraisement as aforesaid; and thereupon, the state shall have the privilege for three years of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take such 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 thereto, shall be vested in the state of New Jersey upon the payment of the amount so reported to the said company; and that it shall be the duty of the president to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of stock; and the valuation shall in no case exceed the first cost or valuation of said road with the appendages thereof.

Proviso.

Limitation.

16. *And be it enacted*, That if the said railroad shall not be completed at the expiration of ten years from the first day of July next, then and in that case (except as to the part constructed), this act shall be void.

Who may ride free.

17. *And be it enacted*, That the governor, attorney general, the chancellor, the justices of the supreme court, 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 said railroad in the cars thereof, free of charge.

May lease road.

18. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and empowered, if at any time they shall deem it the interest of the company so to do, to lease said road to or consolidate with either of the connecting railroad companies by the consent of the stockholders owning or representing two-thirds of the stock; the lessor company shall be subject to all the restrictions and liabilities and entitled to all the privileges of this act, so far as the operating of this road is concerned, anything in their charter to the contrary notwithstanding.

May own marl beds.

19. *And be it enacted*, That the said company when organized as aforesaid shall be and they are hereby authorized to purchase, take, have, hold, occupy, and convey such and so many marl beds situate in the county of Monmouth, and to open and work the same, and to transport the marl taken

therefrom, and lime and other fertilizers, from place to place, and to vend the same, and to purchase, hold and convey such other land, and to erect such buildings thereon as may be necessary or convenient for said business.

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

Approved March 22, 1866.

CHAPTER CCLXII.

An act to incorporate the South River Steamboat Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Biddle Herbert, Theodore F. Appleby, Randolph Low, Garret A. Snediker and John R. Reid, and their associates and successors be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "The South River Steamboat Company," and shall possess the general powers and be subject to the general restrictions and liabilities set forth in the act entitled "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, to be subscribed for in shares of fifty dollars each, but the holders of a majority of the stock may increase the said capital if in their judgment the interest of the company so required, and that as soon as five thousand dollars of the said capital stock shall have been subscribed and actually paid in, it shall be lawful for the said corporation to commence their business, and the remaining stock or such parts thereof as the said directors may deem expedient for the successful operation of the company, may be subscribed for and paid in by such installments, and at such time or times, as the said directors may direct; and the said capital stock shall be employed in running one or more steamboats to and from Old Bridge, in the county of Middlesex, and the city of New York, and stopping at such points on the South and Raritan rivers as the directors may deem expedient, and shall be vested in the

purchase or building of one or more steamboat or boats, with the necessary machinery, furniture and apparatus, and in the repairs thereof, and in the purchase, renting, repairing or building of suitable landings, wharves and store houses, and the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation agreeably to the by-laws for that purpose to be made and adopted, and each stockholder shall, in the election of directors, and all other important questions involving the interest of the corporation, at the annual or other meetings, have one vote for each share of stock he or she holds in said company.

Commissioners to receive subscriptions.

3. *And be it enacted*, That J. Biddle Herbert, Theodore F. Appleby, Randolph Low, Garret J. Snediker and John R. Reid, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such times and places within the county of Middlesex as they or a majority of them may direct, giving notice thereof at least two weeks prior to opening said books by publishing the same in a newspaper published in said county; and at the time of subscribing for said stock five dollars shall be paid upon each share subscribed for to the said commissioners or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and 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, having given the stockholders due notice; and upon the 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 the company.

Election of directors.

4. *And be it enacted*, That when one hundred shares of said stock shall have been subscribed for in the manner aforesaid, the said commissioners shall call a meeting of the stockholders, giving each stockholder due notice, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, who shall be stockholders, who shall hold their office until the first Monday in January then next ensuing, of which election the said commissioners or a majority of them shall be the judges; and at the expiration of said time and annually thereafter, on the said first Monday in Jan-

uary, upon the like notice to be given by the directors for the time being, the said stockholders shall elect by ballot, either in person or by proxy, the same number of directors; and within ten days after such election the said directors shall elect from their number a president, who shall hold his office one year and until another be elected; they shall also appoint a secretary and treasurer of said company, and employ all such officers, engineers and workmen as may be deemed necessary to carry into full effect the object of the corporation, and may exact from them such security for the due performance of their respective trusts as they may deem expedient; they shall also establish and regulate the fare to be charged for passengers and the rates of freight for every species of merchandize and marketing conveyed on their said boat or boats, and shall have the general superintendence and direction of all receipts and disbursements and all other affairs of said company.

Annual statement to be made.

5. *And be it enacted*, That the said directors shall at all times keep or cause to be kept at their office proper books of account, in which shall be regularly entered all the dealings and transactions of said company of whatever kind, which shall at all times be subject to the inspection of the stockholders, and at the annual meeting of each and every year the directors shall submit to the stockholders a written statement of the amount of capital paid in and the amount of all existing debts against the company, together with the general financial operations thereof; and the debts of said company shall at no time be suffered to exceed the amount of capital actually paid in.

Act how void.

6. *And be it enacted*, That if one hundred shares be not subscribed and actually paid in within three years, or the said company fail to go in operation within five years from the approval of this act, then, in either case, this act and all the subscriptions under it shall be null and void; and the said commissioners or directors, as the case may be, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers or their representatives in proportion to the sums paid by each.

Not dissolved for failure to elect

7. *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 this cause be deemed to be dissolved, but such election may be held at any time thereafter upon notice as aforesaid, and

the directors for the time being shall continue in office until others shall have been chosen in their stead.

South river. 8. *And be it enacted*, That the said commissioners or directors shall have the power to cut through or off such points of land on South river and make such other improvements as they may deem necessary and expedient for the improvement of the navigation of said river.

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

Approved March 23, 1866.

CHAPTER CCLXIII.

An act to incorporate the Camden Horse Railroad Company.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert W. Markley, John Hood, Jesse Smith, Abraham W. Nash, Andrew B. Frazee, James M. Scovel, Isaac Nicholson, William S. Scull, William Brice, John S. Read, Henry Fredericks, and such other persons as may hereafter be 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 Camden Horse 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.

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

Election of directors. 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, place or places, in the city of Camden, as they or a majority of them think proper, giving at least twenty days' notice of the same in one or more of the

newspapers published in the city of Camden, and at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them, and as soon as twenty thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said 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; 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.

Not dissolved for 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 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.

Installments

5. *And be it enacted*, That three directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and in case of the non-payment of such installments or any of them to forfeit the share or shares

upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said 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 also to the president, as to the board shall appear proper.

May construct road.

6. *And be it enacted*, That the said corporation shall have power and authority to construct a railroad, with the necessary turnouts from the steamboat dock of the Camden and Philadelphia Ferry Company along Federal street to Fifth street, thence along Fifth street to West street, thence along West street to Stevens street, thence along Stevens street to Fifth street, thence along Fifth street to the Brace road, thence along the Brace road to Kaighn's Point avenue, thence along Kaighn's Point avenue to Third street, thence along Third street to Line street, thence along Line street to Third street, thence along Third street to State street, thence along State street to Fifth street, thence along Fifth street to Federal street; and said company are hereby empowered to build, use and maintain the whole or any portion of said road as shall be deemed expedient by said corporation.

Width of track.

7. *And be it enacted*, That the track laid by the said company shall be the same width as the wagon track now established by law, and said track and rails shall in all cases be laid level with the surface or face of the streets through which the same may pass, and in conformity with the grades of said streets, as the same now are or hereafter may be established by the city council; and when required by the city council, shall pay such tax per car to the city as shall be directed, not exceeding one dollar per month for each car;

May hold real estate.

8. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroad, and at any other place or places in the city of Camden, not exceeding five acres at each place, or ten acres in the aggregate, and may erect and build thereon houses, warehouses, stables and machine shops, and such other buildings and improvements as may be necessary for the carrying on the objects of their incorporation.

Dividends

9. *And be it enacted*, That the president and directors of said corporation shall declare and make such dividends as

they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

Rates of transportation.

10. *And be it enacted*, That the president and directors of said corporation shall have power to have constructed, or purchase with the funds of said corporation, all such machinery, horses, cars, wagons, carriages or other vehicles for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable and expedient or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon as they may think reasonable and proper; *provided*, that not more than ten cents shall be demanded or received for conveying any person from one point to another on said road.

Penalty for injury to works.

11. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct the use of said railroad, or any of its works, carriages, animals or machines, such person or persons shall forfeit and pay therefor to said corporation 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.

May borrow money.

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

Restrictions and liabilities.

13. *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, 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," approved February fourteenth, eighteen hundred and forty-six.

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

Approved March 23, 1866.

CHAPTER CCLXIV.

Supplement to an act entitled "An act to incorporate the City of Hudson," approved April eleventh, eighteen hundred and sixty-five.

Office for assessors to be provided.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said common council by resolution passed according to the provisions of the act by which said city is incorporated, from time to time to pass resolutions designating an office within the limits of said city which the assessors shall occupy during certain hours of such days or evenings, and for such period not less than sixty days, as shall be fixed by said resolutions for the purposes hereinafter named.

Duty of assessors.

2. *And be it enacted*, That it shall be the duty of each of said assessors to cause notice to be given in at least one of the newspapers published in the said county of Hudson and circulated in said city, for at least twenty days between the first day of May and the fifteenth day of June in each year, and also by hand bill, five of which at least shall be posted in a conspicuous manner in each of the wards of said city during the said twenty days, (of the giving of which notice the affidavit of the assessor of each ward filed in the city clerk's office at any time before the meeting of the commissioners of appeal shall be sufficient evidence), that they will be present at such place and at such times as may be designated by said resolution, to receive statements under oath or affirmation of the personal property liable to taxation of any person or persons or any corporation, and the exemptions or deductions claimed from taxation on real estate or personal property by such persons or corporations.

Statement of taxable property.

3. *And be it enacted*, That the statement aforesaid shall contain the nature and particulars of the amount of stock, bonds, mortgages, and other evidences of indebtedness, assets, goods and chattels, or other personal property by law taxable, together with a specific account of the exemptions or deductions claimed from taxation whether of personal or real estate, which statement shall be verified under oath by the persons or appropriate officers of the corporations offering the same; *provided*, that the oath or affirmation of no person shall be conclusive as to the facts therein stated.

Proviso.

4. *And be it enacted*, That in case such statement shall not contain the particulars or specific account in the foregoing section named, and it shall appear to the commissioners of appeal that such person endeavored to act in good faith and without deception, he shall have the right to appeal in order to correct such statement as to such particulars or specific account, but for no other purpose; and if no such statement under oath be made, no relief shall be afforded on appeal or in legal proceedings of whatever kind, and in such cases such assessment for taxes shall be made by the assessor as to him may seem reasonable. Appeal may be taken

5. *And be it enacted*, That if any person shall appear before the commissioners of appeal and prove to the satisfaction of such commissioners, under oath in writing, that he or she was necessarily absent from the state of New Jersey during the time in which such statement should have been left with the assessor, said commissioners shall not deprive him or her of their right of appeal; *provided*, that this section shall not be held to apply to any corporation or to any person or persons engaged in business in said city and having employees entrusted with such business; *and provided further* that such oath shall not be conclusive, but that the circumstances of the case may be investigated by the said commissioners. Proceedings in case of absent persons. Proviso. Proviso.

6. *And be it enacted*, That it shall be the duty of each of the assessors of said wards to attend in person, or by some person competent to discharge the duties incumbent upon such assessor, for whose conduct said assessor shall be responsible at the place and time designated by said resolutions, then and there to receive and accept such statements from any person offering the same, which said statements shall be deposited by the respective assessors with the commissioners of appeal in cases of taxation at their first meeting, who shall in turn cause the same to be filed in the office of the city clerk. Assessors to attend in person.

7. *And be it enacted*, That if either of said assessors or commissioners of appeal shall neglect or refuse to perform any duty required by this act, he shall suffer the same penalties, to be recovered in like manner as is now provided by law for neglect or refusal to perform the duties of his office. Penalty for neglect of duty.

8. *And be it enacted*, That if any person shall deliver or send to any assessor or to the commissioners of appeal, in cases of taxation, any statement under oath or affirmation as aforesaid, which shall be false in any of the particulars or Perjury.

account authorized by this act, he shall be deemed and taken to be guilty of perjury.

Deductions and allowance.

9. *And be it enacted*, That no deduction from the value of real estate for mortgages, debt or debts of any kind whatever shall be allowed unless the owner thereof shall reside within the state of New Jersey, nor shall any deduction be made for any such debt on real estate in said city owned by any person resident of the state and non-resident of said city when the owner thereof shall fail or neglect to cause to be left with the assessor of the ward wherein the same is situate the statement with the specific accounts heretofore required; *provided*, that corporations recognized by the laws of this state shall be deemed for the purposes of this act residents thereof.

Proviso.

Maps of streets, &c., to be filed.

10. *And be it enacted*, That the said common council be and they are hereby authorized, at such times as the same may be required, to employ one or more surveyors to establish the grades of such of the streets and avenues of said city, where grades have not already been established, and to ascertain and fix the depth and size of sewers in such parts of the said city as the said common council may determine to be necessary, and to make profiles and maps of the same, which shall be filed in the office of the city clerk, and that the expenses of such work shall be paid out of the city treasury, and raised by tax in the same manner as taxes are now raised for the objects specified in the thirty-fourth section of the act to which this is a supplement.

Newark turnpike.

11. *And be it enacted*, That it shall be lawful for the said mayor and common council hereafter to exercise the same right, power and authority in and over the Newark turnpike or avenue within the limits of said city, and to regulate, grade, pave, curb, gutter, drain, sewer and otherwise improve the same, and to charge, assess, collect and receive the costs and expenses thereof, upon the property benefitted thereby, and sue said property for such assessment in the same manner and to the same extent as by law they may in and over any other of the streets within the said city; *provided*, that nothing in this act contained shall be so construed as to subject the said Newark turnpike or avenue to any tax assessment or imposition by the said the mayor and common council; *and provided further*, that the consent of the said turnpike company be first obtained on such terms as to the said common council may be deemed advisable.

Proviso.

Proviso.

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

and common council aforesaid, when application shall be made therefor in the manner provided by the city charter, to open Van Winkle avenue from its present easterly termination to Bergenwood avenue of the width of fifty feet, and to open Jackson street from its present easterly termination of Bergen avenue of the width of fifty feet. Van Winkle avenue, &c.

13. *And be it enacted*, That the second section of an act approved March fifteenth eighteen hundred and sixty-one, entitled "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," be amended by striking out the word ten, by which is denominated the amount of city of Hudson water district bonds, which may be issued for the purposes named in said section, and inserting in the place thereof the word thirty, and that no greater sum than the amount of thirty thousand dollars, shall at any one time be due or owing on account of the improvements in said second section mentioned. Amount due and owning not to exceed

14. *And be it enacted*, That no person holding official position under the said the common council of the city of Hudson, whether by appointment or election, shall hereafter be qualified to act as a member of the said common council, nor shall any person hold two or more offices under the charter of said city whether by appointment or election; *provided*, that nothing herein contained shall be construed to apply to any member of said common council now elected, whose term has not yet expired. Who may act as members of common council.

15. *And be it enacted*, That the amount to be raised for the purposes mentioned in the thirteenth section of an act approved February twenty-ninth, eighteen hundred and sixty, entitled a supplement to an act, entitled "An act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, shall not at any one time exceed the sum of thirty thousand dollars, and that the said the mayor and common council are hereby authorized to issue scrip or certificate of debt and provide for the payment thereof in the same manner and on the same terms upon which they are now authorized, to issue such scrip and provide for the payment of the scrip or certificates in said thirteenth section named, and that it shall be lawful for the said common council to invest the moneys now raised or hereafter to be raised for the payment of said scrip or certificate of debt from time to time at such rates of interest and in such manner as may be deemed advisable, and that the said May issue certificate of debt.

monies shall be and remain a sinking fund, and be appropriated to no purpose other than the payment of said scrip or certificate of debt as the same may become due.

May purchase bonds.

16. *And be it enacted*, That it shall be lawful for the said common council to purchase or redeem such of the bonds referred to in the first section of an act approved April fourth, anno domini, eighteen hundred and sixty five, entitled a further supplement to an act entitled "An act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, at such times and on such terms as may be deemed by them advisable, with the moneys raised in pursuance of said section.

Amendment

7. *And be it enacted*, That section fifty-four of the act to which this is a supplement be amended by inserting after the words "shall be fixed by" the words "the Board of Education annually in the month of May in each year and" and adding after the words "City Treasury" in said section the words "And the said compensation shall not be changed during the year for any employee of said Board of Education."

Approved March 23, 1866.

CHAPTER CCLXV.

A further supplement to the act entitled an "Act to incorporate the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine.

Width of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company may locate and survey and take under the powers in their charter, and the supplements thereto, for the construction of their railroad one hundred feet in width, except when from the depth of the excavation or the heighth of the embankment they shall need more, and then no more than shall be necessary.

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

Approved March 23, 1866.

CHAPTER CCLXVI.

An act to incorporate The Nescochague Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William E. Farrell, William Bargh, James M. Scovel, Peter L. Voorhees, P. C. Brinck and their associates shall be, and they are hereby declared to be a body corporate and politic in fact and in law, by the name of "The Nescochague Manufacturing Company," for the purpose of manufacturing and making up paper in its various branches, and also of employing, cultivating and improving all lands which they may now or at any time hereafter possess in the county of Atlantic, in such manner and for such purposes as they may deem proper; and by the same name they and their successors and assigns may sue and be sued, implead and be impleaded, answer and be answered unto in all courts of law and equity, or in any other place whatever, and they and their successors and assigns in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold and enjoy all lands, tenements and hereditaments, goods and chattels of what kiud or quality soever necessary or useful for the said corporation to carry on the operations abovementioned.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the company shall be two hundred thousand dollars, divided into shares of one hundred dollars each.

Election of directors.

3. *And be it enacted*, That the business of the corporation shall be managed and conducted by three directors, being stockholders, one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead, and the said directors shall be chosen on the first Monday in January of each year, 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 may own; and the persons mentioned in the first section of this act shall be the first directors of said company, and shall hold their offices until the first Monday of January next, or until others are legally chosen.

General powers.

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 or of the United States; and may appoint such subordinate officers as the business of the corporation may require.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal property and shall be transferred in such manner as the directors may prescribe, but no dividends shall be made to or among the stockholders except from out of the net profits of the said corporation.

Books to be kept.

6. *And be it enacted*, That the directors shall at all times keep or cause to kept proper books of accounts, in which shall be regularly entered all the transactions of the said corporation which books shall at all reasonable times be open for the inspection of the stockholders of the said company.

Restrictions and liabilities.

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

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

Approved March 23, 1866.

CHAPTER CCLXVII.

Supplement to an act entitled "An act to incorporate the Cape May Academical Institute," approved April sixth, eighteen hundred and sixty-five.

Shares of capital stock

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said company shall be divided into shares of fifty dollars each, and that so much of said act as conflicts with this supplement is hereby repealed.

Approved March 23, 1866.

CHAPTER CCLXVIII.

An act to authorize the inhabitants of School District Number Five, in the township of Bridgewater, county of Somerset (Somerville), to elect a Board of Education.

Election of board of education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the taxable male inhabitants of the Somerville school district, being district number five, in the township of Bridgewater, in the county of Somerset, incorporated under the act entitled "An act to establish public schools," shall elect by ballot at their next annual district meeting by a plurality of votes, ten discreet and suitable persons taxpayers in said school district, who together with the trustees now in office (until the expiration of their respective terms) shall constitute a board of education for said school district; that said board at their first meeting after their election, or as soon thereafter as may be practicable, shall divide themselves into five classes, and they shall determine by lot which of said classes shall hold office for the term of one, two, three, four or five years respectively, and that at the annual district meeting in every year thereafter, such meeting shall elect a sufficient number of such board to fill the then existing vacancies, which board of education shall have all the powers of school trustees under existing laws and such other powers as are hereby expressly granted.

Duty of board.

2. *And be it enacted*, That the said board of education shall have the management and control of the public schools now or hereafter to be established in said school district, and of all the property therein contained appertaining thereto, and shall have power, and it shall be their duty to grade the said schools so as to provide as near as may be suitable education for all the children in said district between the ages of five and eighteen, in the more advanced as well in the elementary branches of education; *provided, however*, that whenever the estimated cost of education per scholar in any particular school shall exceed the ratable proportion of such school per scholar in the public moneys for the time being due said district, such excess may be charged as the price of the admission of such scholar, to such particular school, to the

Proviso.

end that each scholar may have an equal share in the public school moneys belonging to said district, and that said public school may be adapted to the wants of all the taxable inhabitants therein.

Board to fix compensation of teachers.

3. *And be it enacted*, That said board of education shall have power and it shall be their duty to make rules of order and by-laws for the government of the board, its members and committees, and regulations to secure economy and accountability in the use of the school money, to supervise, govern and manage the said public schools, and from time to time to make all needful rules and regulations therefor, to direct the course of studies, provide in all things for the good government of said schools, to purchase books, apparatus, stationery and other things necessary and expedient to enable said schools to be properly and successfully conducted to keep the school buildings properly repaired and furnished, to fix the number and compensation of teachers, to select, employ and pay the teachers employed therein; *provided*, that nothing in this section shall be so construed as to require the said board to furnish books gratuitously for the use of the pupils of the school; *and be it further provided*, that the said board shall have authority for misconduct or other weighty and sufficient reason to suspend or dismiss a pupil from school.

Proviso.

Proviso.

Moneys to be paid to treasurer.

4. *And be it enacted*, That it shall be the duty of the school superintendent of the township in which the school district is situated, to pay over to the treasurer of said board of education, upon the order of the board, signed by the president and secretary thereof, all moneys belonging to said district as soon as practicable after they have been received by him.

5. *And be it enacted*, That all acts and supplements to acts heretofore passed inconsistent with the provisions of this act are hereby repealed, and this act shall go into effect immediately.

Approved March 23, 1866.

CHAPTER CCLXIX.

An act entitled an act to establish a police district in the county of Hudson, and to provide for the government thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of Hudson county now known as the city of Jersey City, and all such portions as may hereafter be annexed to said city, is hereby constituted and set apart for the purposes of police government and discipline therein, and shall be known and designated as the Hudson River Police District of the State of New Jersey. Police district.

2. *And be it enacted*, That the powers and duties connected with and incident to the police government and discipline of said district, shall be as hereinafter specially provided, vested in and exercised by a board of commissioners of police, a chief of police and such number of patrolmen not exceeding fifty as the said commissioners may appoint. Commissioners.

3. *And be it enacted*, That on or before the first of April, eighteen hundred and sixty-six, and thereafter as may be necessary, the governor shall nominate, and by and with the advice and consent of the senate, shall appoint from among the electors of the city of Jersey City three competent and judicious persons as commissioners of police, who shall constitute the board of commissioners of police, and two of them shall form a quorum for the transaction of business; the governor shall fill any vacancy that may occur during the recess of the senate by appointing a commissioner or commissioners to serve until the next meeting of the legislature after said vacancy shall occur, when the governor, by and with the advice and consent of the senate, shall fill the unexpired term, and any one of the commissioners may at any time be removed by the governor for good and sufficient reasons to be by him assigned in writing and a copy of the same to be filed in the office of the secretary of state, but no commissioner shall be removed on account of his political or religious belief. Appointment of commissioners.

4. *And be it enacted*, That the said commissioners shall, after having been duly appointed, assemble together in the office of the city clerk of Jersey City and proceed to draw Term of office

lots for three terms of office, for three, four and five years respectively, from the date of their appointment; and at the expiration of each of said terms the full term succeeding shall be three years.

Commissioners not to hold other office.

5. *And be it enacted*, That any one of said commissioners who shall, during his term of office, accept or hold any other place of public trust or emolument within the elective franchise of the county of Hudson, or city of Jersey City, or who shall be publicly nominated for any such office and does not decline such nomination within five days succeeding the same, shall in either case be deemed to have resigned his office of commissioner, and the governor shall proceed as in the case of vacancy.

Certificate of term to be filed

6. *And be it enacted*, That the said terms of office having been determined by lot, as aforesaid, each commissioner shall file in the office of the secretary of state a sworn certificate of such result, and the secretary of state shall thereupon issue to each of said commissioners a proper commission of appointment for the term specified by lot, and on receipt thereof the said commissioners shall take and subscribe to the oath required by the constitution for judicial officers, which oath and verification shall be forwarded in original to the office of the secretary of state, and each commissioner appointed hereafter shall be commissioned as herein provided.

Power of commissioners.

7. *And be it enacted*, That the commissioners shall have sole power and control of appointments and dismissals from the police force as hereinafter provided (except in the case of the present chief of police, whose term of office shall not be affected by this act); but at the expiration of said term of office it shall no longer be elective, but shall be filled by recommendation of the board of commissioners to the governor, who shall, if he approve the action of the commissioners, issue his certificate of appointment to such person a copy of which shall be filed in the office of the secretary of state.

Chief of police.

8. *And be it enacted*, That the board of commissioners shall promulgate all orders through the chief of police, who shall be the executive head of the whole police force of the district, subject to the rules and regulations of the board; he may also, in cases of emergency or apprehension of riot, pestilence or invasion, appoint as many special patrolmen from among the citizens as may be desirable to serve not longer than forty-eight hours; and during the continuance of such

special service they shall be possessed of all the powers and privileges pertaining to and perform all the duties required of the regular force of the district, and their compensation shall not exceed two dollars and fifty cents per diem, and they may be continned in service longer than forty-eight hours by order of the commissioners.

Who may be chosen as policemen.

9. *And be it enacted*, That each member of the Hudson river police force shall hold office during good behaviour, and shall be liable to removal from the force only after written charges shall be prefered against him according to the regulations of said board, and he shall have had an opportunity to be heard in defence, but no person shall ever be appointed to membership in said force, who has not been a citizen of the United States five years prior to his appointment, and a resident of Jersey City one year prior to the same, or who has been convicted of crime, or who cannot read and write the English language understandingly; no member of the force shall resign under penalty of forfeiture of pay that may be due him, without first giving twenty days' notice in writing to the chief of police, or the commissioners of their intention so to do.

President powers and duties.

10. *And be it enacted*, That the board shall annually or whenever a vacancy occurs, select one of their own number to act as president of the board; he shall preside at their meeting, which shall be held at least once in every fifteen days, and in case of vacancy of the chief of police by absence or disability, or failure of the governor to appoint the president, shall perform all the duties, and possess all the powers of chief of police, and be entitled to the same pay as the chief during the continuance of such duty.

Compensation of clerk and surgeon

11. *And be it enacted*, That the board of commissioners shall be entitled to a clerk of their own selection, whose pay shall not exceed the sum of eight hundred dollars annually, and they shall also appoint a police surgeon and prescribe his duties, whose pay shall not exceed five hundred dollars per annum, and no policeman shall be excused from service on account of sickness, unless he shall procure the written certificate of the police surgeon of inability to serve on account of sickness; the said clerk and police surgeon shall severally hold office during the pleasure of the board, they shall also provide necessary office accommodations for the transaction of their own business which expense (if any) shall be included in their annual estimate of expenditures.

12. *And be it enacted*, That whenever consistent with the

Duty of commissioners.

public good the board of commissioners shall aid and assist the mayor and common council of Jersey City in the execution of all laws and ordinances enacted for the general welfare, and shall impart such information as may be desired by said municipal officers concerning matters relating to the government of the police force, the duties and requirements under this section in all cases to be reasonable and such as fall within the line of the duty of policemen.

May issue subpœnas.

13. *And be it enacted*, That the board shall have power to issue subpœnas in the name of the president and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each commissioner of police is hereby authorized to administer oaths to any person in any matter of proceeding as aforesaid, and any wilful or corrupt false swearing by any person before said board shall be deemed perjury, and punished in the same manner as is now prescribed by the statutes of the state in cases of perjury.

Accommodations to be provided by common council.

14. *And be it enacted*, That it is hereby understood and declared to be the duty of the mayor and common council of Jersey City to furnish all necessary accommodations for the chief of police in which to transact business incident to his office, and also to furnish lodgings for vagrants and disorderly persons, and for temporary detention of persons under arrest, and in case said authorities refuse or neglect to comply with the provisions of this section within thirty days from date of a requisition to them, made in writing, by the commissioners, it shall be lawful for said board to provide for the same, which expenditure so incurred shall become a charge and debt against said corporation.

Estimate of expenses to be made

15. *And be it enacted*, That the commissioners of police, the chief of police and chairman of the finance committee of the common council of Jersey City, shall form a board of estimate and apportionment, and shall, on or before the first day of May, eighteen hundred and sixty-six, and each year succeeding, prepare an estimate of the sum of money required annually for the expenses of the department; the said estimate shall then be submitted to the corporate authorities for their approval; but if said authorities shall object or withhold their assent, they shall return the same to the board of estimate, who shall carefully revise the same, and then their determination shall be final and binding and the amount so estimated shall be chargeable to the city, and be taken and deemed a public indebtedness; and if the mayor and common council shall neglect or refuse to put the

amount so fixed upon in the tax ordinance, the commissioners shall certify the amount to be raised to the assessors or board of assessors of Jersey City, who shall assess the amount so certified upon the taxable property of Jersey City, together with the other money directed to be assessed and raised by law.

Account to be audited.

16. *And be it enacted*, That the commissioners shall pay all claims arising under the provisions of this act by checks drawn on the treasurer or authorized financial agent of the city of Jersey City, signed by their president and countersigned by the clerk of the board, but no check shall be issued or claim paid without having been audited by the acting president and one other member of the board.

Provis'n.

17. *And be it enacted*, That the board of commissioners shall have power to make such rules and regulations as to them may seem proper; *provided*, they do not conflict with the provisions of this act, and of the constitution of this state or of the United States, and such rules and regulations and the provisions of this act shall be the only authority recognized in the government of the police force within the said district.

Unclaimed property.

18. *And be it enacted*, That the chief of police shall be the custodian of all stolen or unclaimed property that may come into his possession by virtue of regulations of the board, and of money or valuables seized on suspicion of having been stolen or improperly retained, and shall at the expiration of three months from the time of receiving such property or money, cause the same to be advertised in one or more of the daily papers of said city for three days in succession, when, if not claimed and ownership satisfactorily established, it shall be sold at public sale, and the proceeds paid into the treasury of the city.

Annuity in case of disability

19. *And be it enacted*, That if any member of the police force, while in actual performance of duty, shall be permanently disabled, or if any member shall have served faithfully and without any charge having been preferred and sustained against him for ten years, and shall, by reason of age or sickness, become superannuated, he shall be entitled to an annuity of one hundred dollars, and if any member shall be killed while in actual performance of duty, his widow shall be entitled to a like annuity, and if he leaves no widow, then his child or children, collectively, under fifteen years of age shall receive it, said sum to be an annuity in the case of the former during widowhood, and of the

latter until arriving at the age of fifteen years; said annuities shall, from year to year, as they accrue, be included in the yearly estimate of expenditures, but this section shall not be construed as constituting a legal claim for such annuities, and the board may at their discretion, order the same to cease.

Annual report to be made.

20. *And be it enacted*, That the commissioners shall keep a complete record of all their proceedings in a book or books provided for the purpose, which shall be taken and deemed as a public record, and they shall annually on or before the first day of May, submit a full report of their transactions, together with a financial statement to the common council of Jersey city, which report shall by them be ordered to be published in the same manner as the mayor's message and other public documents, and a copy shall be filed in the office of the city clerk.

Compensation.

21. *And be it enacted*, That the following sums shall be severally paid to the parties named as annual compensation for services rendered under the provisions of this act; viz: to the chief of police, fifteen hundred dollars, and to each of the members of the force, eight hundred dollars, and if it should be deemed necessary by the commissioners to appoint from among the force aids to the chief, not exceeding four in number, then the compensation to such persons shall be one thousand dollars annually.

Powers of police.

22. *And be it enacted*, That the members of the force are hereby invested with all the powers applicable to sheriffs or constables in the state (except to serve civil processes); they shall be also exempt from duty as jurymen and from military service during the time they shall remain members of said force and no longer.

Time of organization of new force

23. *And be it enacted*, That the present police organization and the government thereof shall terminate on the first day of May, eighteen hundred and sixty-six, and the board of commissioners shall on or before said date have made all and every necessary arrangement for the organization of the new force; and all books, papers and property now belonging to and used by the police department (except real estate belonging to the city), shall be placed in the custody of said commissioners.

Rules and regulations

24. *And be it enacted*, That it shall be considered the duty of the commissioners to establish such rules and regulations as shall conduce to the best interests of the citizens and to insist upon strict obedience to the laws governing

the department, and neglect or indifference to their responsibilities as commissioners under this act shall be deemed cause for removal.

25. *And be it enacted*, That all acts and parts of acts in anywise conflicting with the provisions of this act are hereby repealed; that this act shall be deemed a public act and shall take effect imediately.

Approved March 23, 1866.

CHAPTER CCLXX.

An act to amend an act entitled "A supplement to 'An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson,'" which said supplement was approved March twenty-third, eighteen hundred and sixty-four.

Preamble.

WHEREAS, certain sections of said supplement are deemed indefinite and liable to be misunderstood and misconstrued; therefore,

Amendment

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 said supplement, approved March twenty-third, eighteen hundred and sixty-four, shall be amended, and as amended the said act and the preamble thereto shall read as follows, viz: whereas, by the act to which this is a supplement, certain commissioners were appointed to survey and map all that part of the township of Bergen which lies south of the Morris canal, to mark the same out into streets, avenues and squares of such width, extent and direction as to them should seem most conducive to the public good; and whereas, as the said commissioners named in the said act have performed the duties imposed upon them by the said act, and have deposited maps of their said survey in the clerk's office of the county of Hudson, and in the office of the secretary of state at Trenton, as required by the said act; and whereas, it is desirable that the said streets, avenues and squares should from time to time be opened to the use of the public in the territory aforesaid, which since the

passage of the said act has been erected into a separate township by the name of Bayonne; therefore,

Proceedings to be had for opening streets, &c.

2. *And be it enacted*, That whenever ten or more persons, being freeholders and residents in the said township of Bayonne, in the county of Hudson, shall think it necessary or conducive to the public good, to have any of the streets, avenues or squares laid out by the said commissioners named in the said act to which this is a supplement, opened for public use, it shall be lawful for the said persons to make application in writing to the judge of the circuit court of the said county of Hudson, either in term time, or in vacation, having given notice for at least ten days of such intended application and also of the time and place at which said application is intended to be made by advertisement under their hands, set up in three of the most public places in the neighborhood of the said street, avenue or square, in said township of Bayonne for the appointment of commissioners to open said street, avenue or square, and the said judge upon such application being made to him and on due proof that notices of such application has been set up as herein required, shall nominate and appoint three intelligent, judicious and disinterested freeholders of the said township of Bayonne, commissioners to view the said street, avenue or square and determine whether the same shall be opened or not; *provided*, that no person shall be appointed a commissioner under this act who has any interest in any of the lands which will be taken for said street, avenue or square; *provided, further*, that the commissioners shall in no case open any streets, avenues or squares when five-eighths of the owners of property in value on the line of such street, avenue or squares shall object thereto in writing.

Proviso.

Proviso.

Assessment of damages to be made.

3. *And be it enacted*, That the said commissioners, upon receiving notice of their appointment as aforesaid, shall appoint a time, not more than ten days from the date of their appointment, where persons interested in the said street, avenue or square may be heard before them on the merits of the said application to open the same, and they shall give notice of the time and place of such hearing by advertisement in writing, signed by at least two of said applicants, and set up in three of the most public places in the neighborhood of said street, avenue or square, in the said township of Bayonne, six days before such time of hearing; and if the said commissioners shall determine to open the said street, avenue or square they shall certify the same to the

said circuit court, as hereafter provided, and shall make an assessment of the damages the owner of any land or real estate will sustain by reason of the opening of the said street, avenue or square over and above the benefits he will derive therefrom, and shall estimate what sum in their judgment may be reasonably required to actually open said street, avenue or square, as hereinafter mentioned, and to regulate and grade the same for use as a public street, avenue or square, according to a grade in each case to be established by the township committee, which said damages and estimate, together with all expenses incurred in or arising from the said proceedings, they shall assess as equitably as may be upon the owner or owners of any lands or real estate in the neighborhood of the said street, avenue or square which in their opinion will be benefited thereby, as nearly as may be, in proportion to the benefits which the said land of each of the said owners shall be deemed by them to have derived from the opening of the said street, avenue or square, and shall certify under their hands the said damages, estimate and expenses so assessed, and each of them separately and in the aggregate, together with a survey and map of the said street, avenue or public square so opened by them, on which shall be marked the lots or parcels of land taken for the said street, avenue or square, and the lots or parcels benefited thereby, distinguishing each lot or piece by numbers on said map to the circuit court of the county of Hudson at the next term thereof, which certificate, if approved by the said court, shall be filed in the clerk's office of the county of Hudson, when the same shall be recorded by the said clerk.

Township when liable.

4. *And be it enacted,* That in case the said commissioners at the time of opening any such street, avenue or public square, shall be of opinion that the same is a general benefit to the said township of Bayonne at large, they shall have power to assess upon said township the whole or such part or portion of the damages, estimate and expenses awarded by them as they shall deem equitable and just; the remaining part, if any, of the said damages, estimate and expenses to be assessed as hereinbefore provided; and in that case said township shall be bound to pay the amount so assessed against it, at the same time with the land owners who may also have been assessed therefor; and the township committee of the said township of Bayonne shall have power and authority to provide by taxation for the payment of any assessments which

may be so assessed against the said township as aforesaid, or for any expenses incurred or arising from any proceedings under this act.

Notice of assessment to be given.

5. *And be it enacted*, That a copy of the return of said commissioners, certified by the clerk of the said county of Hudson, shall, within ten days after the same shall have been approved by the court, be served on the clerk of the said township of Bayonne, to be kept by him with the other papers and writings of his office, and the said township clerk shall within ten days after the receipt by him of the said certified copy of the said commissioners' return and assessment, give notice thereof in writing to each of the said owners whose lands may have been taken for such street, avenue or square, and shall also within the time aforesaid give like notice to each of the land owners upon whom any sum shall have been assessed for benefits as aforesaid, stating the amount so assessed, the date of the said assessment, and the time of filing the same with him, to the end that the said land owners may examine the same and appeal therefrom as hereinafter provided, if they or any or either of them desire so to do.

Proceedings in case of appeal.

6. *And be it enacted*, That if the township committee of said township of Bayonne, or any land owners who may have been assessed for benefits arising from the opening of any such street, avenue or square as aforesaid, shall be dissatisfied with the amount so assessed upon the said township or upon the said land owner for benefits as aforesaid, and any land owner or land owners whose lands shall have been taken for such street, avenue or square, who shall be dissatisfied with the amount awarded to him, her or them, may at any time within ten days after the service of such notice upon him, her or them, by the township clerk as aforesaid, appeal to the board of chosen freeholders of the said county of Hudson, by filing with the clerk of the said township of Bayonne a notice of such appeal, and presenting within the said ten days to the director of the said board of chosen freeholders a petition requesting said board of chosen freeholders to review said assessment, when it shall be the duty of the board of chosen freeholders, within thirty days from the time of the presentation of the said petition to their director, to appoint three of their number, none of whom shall be in any way interested in any such assessment to be reviewed, who shall proceed to review the whole of said assessment, and affirm or alter the same in such manner as to

them shall seem equitable and just, the party appealing giving at least ten days' notice of the time and place of their meeting to review said assessment, by setting up written notices thereof signed by the said chosen freeholders, in three of the most public places in said township of Bayonne and neighborhood of said street, avenue or square, and the said chosen freeholders shall make a certificate of their action either affirming or altering said assessment, which shall be filed with the clerk of said county of Hudson and by him recorded, and a certified copy thereof shall within ten days after the same is filed in the county clerk's office, be delivered to the clerk of the said township of Bayonne, who shall keep the same among the other papers and writings of his office.

Payment to be made.

7. *And be it enacted*, That it shall be the duty of the township committee of the said township of Bayonne, within ninety days after the said assessments shall have been completed, to tender and pay to the owner or owners of such land taken for street, avenue or square, to whom damages may have been awarded as aforesaid, the amount of such damages so awarded, if resident in the said township of Bayonne; but if such owner or owners cannot be found in said township, upon due inquiry, or is a lunatic, or idiot, or an infant, or if for any other lawful causes he, she, or they be incapacitated to receive the same, or if such owner or owners will not accept the same, and sign a proper receipt therefor, when tendered them, the said township committee shall cause the same to be deposited in some safe bank for the use of the person to whom the same may be due, and shall thereupon afterwards immediately proceed and actually open said street, avenue, or square, and actually regulate and grade the same, or cause the same to be done, which, when so actually opened, regulated and graded, shall become a public street, avenue or square, for the use of the public at large, and for the actually opening, regulating and grading of such street, avenue or square, for use as aforesaid, the said township committee shall employ and expend the sum separately estimated for that purpose as aforesaid; the owner or owners of any land through which such street, avenue or square may be opened, shall have the right to actually open, grade and regulate the same, through their own property; *provided*, they do so under and in conformity to the directions of the township committee, and in that case they shall be exempt from the assessment embraced in the estimate made

Proviso.

for that purpose; and the said township committee shall have power to borrow, on the credit of the said township of Bayonne, such sums of money as may be required to pay such assessments against the said township, or any land owner who shall not pay the amount assessed against him, her or them, within the said thirty days limited by this act, to be repaid when the said assessments shall be collected, as hereinafter provided.

Liens.

8. *And be it enacted*, That whenever any such assessment shall be completed as aforesaid, the same shall be and remain a lien upon the lands upon which the same shall have been assessed until paid, and the person or persons against whom any sum or sums may have been assessed as aforesaid shall within thirty days after the completion of said assessment, pay to the collector of the said township of Bayonne the amount assessed against him, her or them, and in default thereof the township committee of the said township of Bayonne, shall cause the same to be collected from the person or persons against whom the same have been assessed, at the same time and in the same manner as the ordinary township, county and state taxes are now collected, and if necessary shall cause the said lands upon which the same are assessed, to be sold to pay the same in the same manner as lands may now be sold to pay the ordinary township, county and state taxes.

Fees of clerk

9. *And be it enacted*, That the clerk of the circuit court of the county of Hudson, shall be entitled to receive for writing, filing and recording all orders, returns and other papers required to be entered, filed or recorded in his office by this act, the following and no other fees, viz: eight cents for filing each paper, eight cents for each folio, for recording all papers required to be recorded, eight cents for each folio for copies of any such papers made by him, and twenty cents for making a certificate and affixing to the same the seal of the court or county, and that the said commissioners and chosen freeholders shall be entitled to receive for each day spent by them in the performance of the duties imposed on them by this act, the sum of two dollars, and that the said township clerk of the township of Bayonne shall be entitled to receive twenty-five cents for each notice made out and served by him under this act.

Penalty for obstructing by building, &c.

10. *And be it enacted*, That it shall be unlawful for any person, corporation or association of persons to erect or maintain, or cause to be erected or maintained, any fence,

building or other structure within the limits of any street, avenue or square opened pursuant to this act, or within the limits of any street, avenue or square heretofore opened pursuant to the act to which this is an amendment, and every person, corporation or association of persons, being the owner or owners of any such fence, building or other structure and offending against the provisions of this section, shall forfeit and pay to the said township committe five dollars, with costs of suit, for every twenty-four hours after the expiration of the notice hereinafter mentioned that any such fence, building or other structure shall be permitted to remain within the limits of any such street, avenue or square, to be sued for in the name of said township committee in an action of debt before any justice of the peace in said township, and the moneys thereby recovered to be applied for the improvement of the roads, streets, avenues and squares in said township; *provided, always*, it shall be [the] duty of said township committee, before commencing any such suit, to give thirty days' notice in writing to any person, corporation or asssociation of persons offending as aforesaid, requiring the removal of such fence, building or structure, said notice to be served personally or by leaving the same at their residences, if within said township, or by posting the same in a conspicuous place upon the fence, building or structure required to be removed; *and provided, also*, it shall be the duty of said township committee to remove or cause to be removed every such fence, building or structure which the owner or owners thereof shall fail or neglect to remove as above provided, the expense thereof, with costs of suit, to be a charge against such owner or owners, and to be sued for and collected by said township committee in the same suit brought for the recovery of the penalty above specified. Proviso. Proviso.

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 so far as the same have any operation in the said township of Bayonne, and that no roads, streets, avenues or squares shall be laid out, opened, located or altered in the said township of Bayonne in any other way than that provided in this act. Repealer.

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

Approved March 23, 1866.

CHAPTER CCLXXI.

An act to establish a new township in the county of Morris, to be called the township of Passaic.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Morris south of the following bounds, that is to say: beginning in the division line between the township of Chatham and Morris, where the road leading from Morristown to Madison intersects a cross road running from said road to the road leading from Morristown to Green Village, such point of intersection in the division line being near the residence of Francis Tallman, thence following the line of said cross road to the Green Village road near the residence of Lewis P. Brookfield; thence in a straight line to a point at the intersection of a road running from Morristown to New Vernon, near the residence of Augustus C. Tompkins, with a cross road running from said road to the road from Morristown to Baskinridge; thence in a straight line to a point near Mills Bailey's house, where the Morristown and Baskinridge road intersects with the cross road running to the Jockey Hollow road; thence in a straight line to a point on the Jockey Hollow road near the residence of David J. Guerin, where it is intersected by a road running out to the Washington turnpike, leaving the house occupied by Guerin in the old township; thence in a straight line to the point where the Washington turnpike strikes the division line between the townships of Morris and Mendham, be and the same is hereby set off in a new township to be called the township of Passaic.

Rights and liabilities.

2. *And be it enacted*, That the inhabitants of the township of Passaic 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 Passaic in the county of Morris," 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 Morris are or may be entitled, or subjected to by existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Passaic shall hold their first township meeting at the house of George H. Scofield in the village of New Vernon in the said township of Passaic, on the second Monday in April next, and afterwards in each year at such place as the inhabitants of said township shall determine; at the first township election Abraham Dunn and Charles Arrowsmith shall be inspectors, and John M. Moore, clerk, and either of the inspectors may act in the absence of the other; in case of the absence of the clerk, the inspector or inspectors shall appoint a clerk. Inspectors

4. *And be it enacted*, That the township committees of Passaic and Morris shall meet on the third Monday in April next, at the house of Jacob O. Drake, in Morristown, at ten o'clock in the forenoon, and may adjourn from time to time, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and monies on hand, due or to become, due in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment, and the inhabitants of the township of Passaic shall be liable to pay their just proportion of the debts as ordered and directed at the last annual town meeting of the township of Morris, and also their proportion of the debts incurred in paying bounties to volunteers and for other purposes in connection with the late war and of the interest accruing thereon, and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make said division, and the decision of a majority of those present shall be final and conclusive. Division of property

5. *And be it enacted*, That nothing in this act shall be construed to impair, or in any wise effect the rights of the said township of Passaic, in and to its just and legal proportion of the surplus revenue of the general government, and the interests due or becoming due thereon. Surplus revenue.

6. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township set off and called Passaic, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgements of deeds until they shall expire by their own limitation. Commissioners not vacated.

7. *And be it enacted*, That the township of Passaic shall form part of the first assembly district of the county of

Assembly district. Morris as heretofore, when included in the township of Morris.

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

Approved March 23, 1866.

CHAPTER CCLXXII.

An act to repeal a supplement to an act entitled "An act for the better security of titles to land sold by sheriffs or other officers."

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act which was approved on the sixth day of April, eighteen hundred and sixty-five, entitled "A supplement to an act entitled 'An act for the better securing of titles to lands sold by sheriffs or other officers,'" approved March twenty-fifth, eighteen hundred and sixty-four, be and the same is hereby repealed, and that this act shall take effect immediately.

Passed March 26, 1866.

CHAPTER CCLXXIII.

A further supplement to an act entitled "An act to authorize the inhabitants of the township of Lebanon, in the county of Hunterdon, to raise money," approved March twenty-ninth, eighteen hundred and sixty-four.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of the act to which this is a supplement as requires a poll tax of four dollars to be levied in the township of Lebanon, Hunterdon county, and also so much of an act passed in March, eighteen hundred and sixty-five requiring a poll tax of five dollars to be levied annually upon every male inhab-

itant of said township of the age of twenty-one years and upwards, be and the same is hereby repealed.

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

Approved March 26, 1866.

CHAPTER CCLXXIV.

An act to enable the Burlington Bank, in the city and county of Burlington, to close up its business, liquidate its outstanding liabilities, and redeem its circulating notes within a limited time.

Preamble.

WHEREAS, the "Burlington Bank," a banking association located in the city and county of Burlington, in this state, and incorporated by the laws of said state, did on the fourteenth day of April, anno domini eighteen hundred and sixty-five, determine by its board of directors with the consent of three-fourths of its stockholders in interest to discontinue its business and settle its affairs, and did through its board of directors file a certificate under its corporate seal with the secretary of state on the twentieth day of April, in the same year, setting forth such intention and that thereby they surrendered to the state their corporate privileges and powers, in pursuance of the provisions of an act entitled "An act concerning banks," approved April sixth, eighteen hundred and sixty-five; and whereas, the said board of directors immediately upon filing the said certificate, gave public notice through the newspapers of this state, and of the cities of Philadelphia and New York (which said notice has been since said time repeated and extended), notifying all persons holding the circulating notes issued by said bank to present the same for redemption and payment so that they might distribute the assets of said bank among its stockholders, and otherwise finally settle its affairs; and whereas, notwithstanding such publication, a small amount of the circulating notes of said bank, to the amount of four thousand six hundred dollars, still remain outstanding or unpresented, whereby the board of directors are prevented from closing

the affairs thereof, and great inconvenience is resulting therefrom to its stockholders; therefore,

Directors to publish notice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of said "Burlington Bank," through its president, be and they are hereby authorized to give publication in one of the newspapers published in the county of Burlington, in a newspaper published in the city of Trenton, and in a newspaper published in the cities of Philadelphia and New York, for the space of two months, that all the circulating notes issued by said bank must be presented in such places in this state, and in the cities of Philadelphia and New York, as such notice shall designate within one year from the date of such notice, or that the funds held by said bank for the redemption of such notes will be distributed among the stockholders of said bank.

Distribution of assets.

2. *And be it enacted*, That at the expiration of the time above limited, and upon the filing of an affidavit in the office of the secretary of state by the president of said bank setting forth that the publication of such notices have been in compliance with the provisions of this act, the board of directors of said bank shall be and they are hereby authorized to distribute among the stockholders thereof the remaining assets of said bank in proportion to the shares of stock held by him, her or them respectively.

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

Approved March 26, 1866.

CHAPTER CCLXXV.

Supplement to "An act to incorporate the Englishtown and Millstone Turnpike Company," approved March fourteenth, eighteen hundred and sixty-three.

Preamble.

WHEREAS, the parties interested in the act to which this is a supplement neglected to pay the sum declared by law to be payable on the same by the act entitled "An act to increase the revenue of the State of New Jersey," approved

March sixth, eighteen hundred and fifty-eight, within the time limited, now, therefore, to remedy such neglect,

Act legalized or payment of assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the payment of the sum required to be paid by law for said act of incorporation before the first day of July next, the said "Act to incorporate the Englishtown and Millstone Turnpike Company," approved March fourteenth, eighteen hundred and sixty-three, is hereby declared to be, and shall be taken and held to be as valid and operative as if the said assessment had been duly paid within the time limited after the passage of said act.

Approved March 26, 1866.

CHAPTER CCLXXVI.

An act to incorporate the Farmingdale and Sqankum Turnpike Company.

Commissioners to receive subscriptions.

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 Farmingdale and Sqankum Turnpike Company shall be opened by Charles Butcher, Charles G. Boude, William Nesbit, James Cooper, John H. Williams, Henry Lafetra, George S. Boude and James H. Johnson, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock at such times and such places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with liberty for the said company to increase the same to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two 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 Farmingdale and Squankum Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and priviliges appertaining to corporate bodies and necessary to carry the objects of said company into effect.

Installments

3. *And be it enacted*, That at the time of subscribing for said stock two dollars shall be paid upon each share subscribed for, to the commissioners, or any two of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription 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, or give public notice thereof in the manner aforesaid, and upon failure of the payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for, as aforesaid; *provided also*, that 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, under such regulations, at such time and upon such notice, by either party, as the directors may determine.

Proviso.

Proviso.

Act how made void.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening the said 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 unto the respective subscribers or their representatives in proportion to the sums paid in by them.

Election of directors.

5. *And be it enacted*, That when two hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot nine 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; and 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; *provided, nevertheless*, that no stockholders shall have more than twenty votes, although he or she may have a greater number of shares. Proviso.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid the said directors shall elect from among their number a president of their said company, who shall be a citizen of this state and a resident of the county of Monmouth, who shall hold his office for one year 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 the judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person who for the time being shall possess the same power and authority and perform all the duties herein prescribed. President

7. *And be it enacted*, That the said directors or a majority of them may supply any vacancy in the intervals between the annual elections by death, resignation, removal or refusal to act of any president or directors, and may appoint a treasurer who shall be a citizen of this state and a resident in the county of Monmouth, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may deem expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stocks and for the general government of the company and the management of its affairs; *provided*, the same are Vacancies how filled.

not repugnant to the constitution or laws of this state or the United States.

Statements 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.

Notice of meeting to be given.

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

Not dissolved for failure to elect

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.

Construction of road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Our House tavern in the county of Monmouth to the hotel now kept by Mayhew Little, in said county, by way of Farmingdale, with the privilege of extending the same to Squan Village in the township of Wall, in the county aforesaid, which said turnpike road shall be constructed on and along the public highway leading from Our House tavern by the way of Farmingdale to Mayhew Little's tavern or Squan Village as aforesaid, and the present highway over which the said turnpike shall be constructed as aforesaid, shall be extended in width one-half rod if deemed advisable by said company, so as to make it two-and-a-half rods; *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 taken for widening said road, the said highway selected for constructing said

Proviso.

turnpike road upon which it now passes, all damages which the said owners will sustain by reason of widening the said turnpike road, and in case said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereafter provided for ascertaining and determining the damages which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her land 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 wherever the said road is to be constructed, paying damages which the owners will sustain thereby, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only. Proviso.

Breadth 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 highways, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet six inches thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road, not less than sixteen feet in breadth; *and be it also provided*, that the bridges now along said road may be used until new ones may be constructed, and if at any time said road be abandoned by said company, the bridges shall be left in as good repair as when taken by said company for their use, 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 overset, 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. Proviso.

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 burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the 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 underdrains across

and through such lands necessary for properly draining said road, and that when said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said [company] 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, to proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same and assessment of damages to be paid by the said company for such land 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 and affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain on record therein, and shall be re-

corded 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 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 justices, 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 said company.

May erect gates.

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 five in number, and to demand and receive toll in traveling each mile, and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent;
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 or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpike until they shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day, or to or from any mill to which they may usually resort for grinding for family use, or horses, carriages, sleighs or sleds carrying persons to or from funerals, or any [person] passing

Proviso.

to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of the state or of the United States.

Miles stones to be erected.

15. *And be it enacted.* That before the said company shall receive toll for traveling said road, they shall cause milestones 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 Our House tavern, and shall cause to be fixed and always to be kept up at the gates or turnpike, in a 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."

Penalty for injury to works.

16. *And be it enacted,* That if any person shall wilfully break down, throw down, or deface any of the milestones or posts so erected on 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 person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person in his or her carriage, team or horse, turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the same road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through the said gates, to be recovered by said

company for the use thereof, in an action of debt with costs of suit.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, said company shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded. Penalty for delaying travellers.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be so 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. Penalty for obstructing passage.

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 times and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the 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 the 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, said company shall for each offence Roads bridges to be kept in repair.

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 gatherers, permit the gates or turnpikes to be shut and toll to be collected as before, and the same 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 person or 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 as 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.

Restrictions and liabilities.

20. *And be it enacted*, That if the said road is not commenced within two and completed in four years from the passage of this act, then and in that case this act shall 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, eighteen hundred and forty-six, so far as the same are applicable.

When toll may be taken.

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 tollgate 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 March 26, 1866.

CHAPTER CCLXXVII.

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.

Penalty for killing grouse.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person shall at any time within five years from the passage of this act, kill, or take, or destroy any pinnated grouse, commonly called prairie fowl, within this state, under a penalty of fifty dollars for each and every pinnated grouse so killed, taken or destroyed.

Penalty for having, killing, or selling, &c.

2. *And be it enacted*, That hereafter no person shall, within this state, kill or have in his or her possession, or expose for sale any woodcock killed in this state between the first day of January and the fourth day of July, in each year, or any ruffled grouse, commonly called partridge, or any quail, sometimes called Virginia partridge, or any rabbit killed in this state between the first day of January and the first day of November in each year, under a penalty of fifteen dollars for each and every woodcock, partridge, quail or rabbit so killed or had in possession, or exposed for sale.

Penalty for trapping.

3. *And be it enacted*, That no person shall at any time, or in any place within this state, take with any trap or snare any quail or ruffed grouse, or partridge, or rabbit, under a penalty of ten dollars for each and every ruffled grouse, or partridge, or quail so trapped or snared, except the same be so taken with the intent to be kept alive, and be so kept alive and set at liberty, in the month of April following the taking thereof.

Trout penalty for catching.

4. *And be it enacted*, That no person hereaftsr shall at any time, with intent so to do, catch any speckled brook trout, or speckled river trout, with any device, save only with a hook and line, and no person shall in any way catch any such trout, or have any such trout in his or her possession, save only during the months of March, April, May, June, July and August, under a penalty of five dollars for each and every trout so caught or had in his or her possession; but in any prosecution under this section it shall be deemed a de-

fence that the trout so taken was for the purpose of stocking other waters therewith within this state.

Penalty for gunning on sunday.

5. *And be it enacted*, That hereafter any person who shall hunt with a gun, or with a dog and gun, or with any kind of fire-arm or weapon, or shall in any way kill, take or destroy with any trap, snare, or other device whatsoever, any bird or animal whatever, on the Sabbath day, commonly called Sunday, except those who observe the seventh day of the week as the Sabbath gunning upon their own lands, shall be liable to a penalty of twenty-five dollars for each and every offence, one-half of said penalty to be paid to the complainant, and the remainder to be paid to the overseer of the paor of the township where the offence was committed, for the use of the poor of said township.

Penalties how recovered.

6. *And be it enacted*, That all penalties imposed under the provisions of this act may be recovered in an action of debt, with costs of suit by any person or persons in his or their own names, before any justice of the peace in the county where the offence was committed, or where the defendants resides, or is found, and any justice of the peace is hereby authorized and directed upon receiving sufficient proof, by affidavit, of the violation of any of the provisions of this act, by any person being temporarily within his jurisdiction, but not residing therein, or who is likely to evade judgment by removal therefrom, or by any person whose name and residence are unknown, to issue his warrant and have such offender arrested and tried within twenty-four hours for such offence, or committed, or held to bail to answer the charge against him, in case such offender shall require or demand a reasonable delay for such trial; and any justice of the peace shall, upon proof of probable cause to believe in the concealment of any game or fish mentioned in this act, during any of the prohibited period, issue his warrant and cause search to be made at any hour, in any house, market, store, shop, boat, car, or other place or building, or any person, and for that end may cause any apartment, chest, box, locker, barrel, crate, or other place of concealment to be broken open and the contents examined, and if any quail, grouse or partridge, or rabbit, trout or woodcock be found, to take the body of the person in whose custody they shall be found, before the justice of the peace who issued the warrant, to be held to answer to the penalties aforesaid; and in all prosecutions and proceeding under this act, it shall not be necessary to file any state of demand, or to comply with the for-

malities required in penal actions, and in all such actions both parties may be sworn.

7. *And be it enacted*, That any person proving that the birds, fish or animals found in his or her possession during the prohibited periods were killed, or taken in any place outside the limits of this state, and that the laws of such place did not prohibit such killling or taking, shall be exempt from the penalties of this act. How exempt

8. *And be it enacted*, That any penalty recovered under this act, when collected, shall be paid to the complainant, (when not otherwise directed by this act) and on the non-payment of any penalty, the defendant shall be committed to the common jail of the county for a period of not less than ten days; and at the rate of one day in addition for each dollar of the judgment over ten dollars in amount, and it shall be lawful for any freeholder upon view of any violation of any of the provisions of this act, to arrest any person or persons guilty thereof, without warrant, and take the offender or offenders before some justice of the peace, to be dealt with as law and justice may require, and shall be clothed with the same power, and may exact the same assistance as if he was constable. Punishment for non-payment.

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

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

Approved March 26, 1866.

CHAPTER CCLXXVIII.

A further supplement to "An act for the preservation of Sheep."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the supplement to an act entitled "An act for the preservation of Sheep," approved April fourteenth, eighteen hundred and forty-six, which said supplement was approved March twenty-fourth, eighteen hundred and fifty-two, be and the same are hereby Provisions extended.

extended to the township of Union, in the county of Hunterdon, the township of Hamilton, in the county of Mercer, with all the supplements thereto.

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

Approved March 26, 1866.

CHAPTER CCLXXIX.

An act to amend an act entitled "An act to provide for the removal of obstructions to the free course of the waters in Parsippany brook, the Scow ditch and Company ditch," passed March fourth, eighteen hundred and twenty-eight.

Preamble. WHEREAS, doubts have arisen respecting the powers of the managers in the act to which this is a supplement to lay more than a single assessment upon the lands therein described; and whereas, the managers therein mentioned are limited in the ninth section of said act to the allowance of certain sums of money for the different kind of services therein specified; now, therefore,

May make assessments. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers mentioned in the act to which this is a supplement shall and may have power to make annual assessments or from time to time in the manner and for the purposes in said act set forth.

Power to fix compensation. 2. *And be it enacted*, That the managers mentioned in said act shall have power to allow or pay for the different kind of services specified in the ninth section thereof such sums of money per diem as in their discretion shall appear necessary to have the labor performed.

Repealer. 3. *And be it enacted*, That such parts of the act to which this is a supplement as are inconsistent herewith be and the same are hereby repealed.

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

Approved March 26, 1866.

CHAPTER CCLXXX.

An act to incorporate the Morris County Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, Charles King, Isaac B. Jolley, Henry C. Byram, Charles A. McCarty, Joshua H. Butterworth, Ephraim Lindsley, William A. Wood, E. M. White and Fulton Cutting, and the survivor or survivors of them, and all such persons as may hereafter be associated with them or the said survivors and assigns, shall be and they are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of "The Morris County Iron Company," for the purpose of mining, smelting, manufacturing and vending ores, iron, steel, minerals, earth and metallic substances of every description in the most advantageous manner, in the counties of Morris and Sussex in this state, and carrying on the business incident thereto, and that they and their successors by that name shall be able and capable in law to acquire, receive, have, hold and enjoy, any lands, tenements and hereditaments, within the counties of Morris and Sussex, and goods and chattels of whatever kind and quality necessary for the purpose aforesaid, and the same or either or any part thereof, to sell, grant, demise, alien and dispose of, and by that name they and their successors, shall have all the powers which by the laws of this state are now incident and belonging to every corporation. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and shall be transferable in such manner as the said corporation shall by their by-laws direct; and it shall be lawful for said company when two hundred thousand dollars capital stock shall have been subscribed and paid or satisfactorily secured to be paid to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their capital, 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 said company to call and demand Amount of capital stock

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 penalty of forfeiting the shares of said stockholders, and all previous payments thereon if such payment or payments so called for and demanded shall not be made within sixty days after notice of such call and demand shall have been published for at least four weeks in one of the newspapers published in each of said counties.

Directors to receive subscriptions.

3. *And be it enacted*, That the subscription of the said capital stock shall be opened in Dover, Morris county, 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, at such time as they shall appoint.

Election of directors.

4. *And be it enacted*, That the stock, property and concerns of said company, shall be managed and directed by seven directors, being stockholders, one of whom shall be president and one of whom shall be treasurer, which officers shall hold their offices for one year from the first Monday in June in every year, and that said directors shall be chosen on the last Wednesday in May in every year at such time and place as shall be directed by the by-laws of said company by such stockholders as shall attend for that purpose either in person or by proxy, and public notice shall be given of the time and place of holding every such election not less than ten days previous in two or more newspapers printed in this state nearest the place where such election shall be made, and these elections shall be made by ballot and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the company, and the persons having the greatest number of votes being stockholders shall be directors, and if it shall happen at any election for directors that two or more persons shall have an equal number of votes in such manner that a less number than seven shall by a plurality of votes appear to be chosen as directors, then the said stockholders hereinbefore authorized to vote at such elections, shall proceed to ballot a second time and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of seven, and the said directors so chosen shall elect one out of their number to be president, who shall be a resident of this state and also another who shall be treasurer of said com-

pany, and also may appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of said whole number of directors being present when such election and appointments take place; and if it shall happen that any vacancy or vacancies occur by death, resignation or otherwise among the directors named in this act or those hereafter to be chosen, such vacancy or vacancies shall be filled from among the stockholders by such person or persons as the directors for the time being or a majority of them shall appoint, and until other directors shall be chosen from the stockholders the first directors shall be George Richards, Charles King, Isaac B. Jolley, Henry C. Byram, Charles A. McCarty, Joshua H. Butterworth, James H. Neighbor, Ephraim Lindsley, William A. Wood, Fulton Cutting and Elias M. White, and the survivor or survivors of them, who shall hold their offices until the first Monday in June, eighteen hundred and sixty-seven, and until others are legally chosen, and said company shall keep their office at the place where their works shall be located. First directors.

5. *And be it enacted*, That no dividend shall be made to and among the stockholders except out of the profits of the said corporation. Dividends.

6. *And be it enacted*, That in case it shall happen at any time that an election shall not be made on the day on which pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days in the manner aforesaid as shall be prescribed by the by-laws and ordinances of the said corporation. Not dissolved by failure to elect.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of business, and shall have power to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall seem to them necessary and convenient 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 and laws of the United States or of this state. Power of directors. Proviso.

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 of the company, and which books shall be at all times open to the inspection of the stockholders, and a correct and full state- Books of account to be kept.

ment in gross of the affairs of said corporation shall be made to the stockholders at the annual meetings for the election of directors.

Powers and restrictions.

9. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

Limitation.

10. *And be it enacted*, That this act shall continue in force for a period of thirty years, but it shall be lawful for the legislature of this state at any time hereafter, to alter, annul or repeal this act or any part thereof whenever in their opinion the public good requires it.

Approved March 26, 1866.

CHAPTER CCLXXXI.

A supplement to an act entitled "An act to incorporate the Weehawken Fire Department in the township of Union, in the county of Hudson," approved the sixth day of March, eighteen hundred and sixty-one.

Who may become members.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the citizens of the town of Union, in the county of Hudson, between the ages of twenty-one and fifty-five years, that now are, or hereafter may become members of the fire department in said town of Union, be and they are hereby created and declared to be a body politic and corporate, under the name and style of "The Union Fire Department in the town of Union and county of Hudson."

Duty of members.

2. *And be it enacted*, That it shall be the duty of every member of any of the companies of said department, which companies shall be composed of not more than forty members each, before the clerk of the town, in the presence of the committee on fire department of the board of councilmen of the town of Union, in said county of Hudson, on or before the second day of April next, to subscribe to an oath or affirmation that he possesses the qualifications named in the preceding section; and the same oath or affirmation shall

be required of every newly elected member within thirty days after the approval of his election by the board of councilmen of the town of Union, upon which he shall receive a certificate of membership, for which he shall pay such sum of money into the fire department fund as the said board of councilmen may from time to time direct; *provided however*, it do not exceed the sum of five dollars, and any person making false oaths or affirmation as to his qualifications as required in the first section of this act shall be deemed and taken to be guilty of perjury.

Power of citizens.

3. *And be it enacted*, That the said citizens shall have power, at any time hereafter to form such and so many engine, hose, and hook-and-ladder companies as they may deem desirable for the purpose of protecting the property of said town from damage or destruction by fire; *provided*, that no more than one engine, hose, and hook-and-ladder company be formed to every four thousand inhabitants in said town.

Proviso.

Election of engineers.

4. *And be it enacted*, That the duly constituted members of said department, on the second Thursday in the month of April of each year, between the hours of eight and nine o'clock in the evening, shall have power to elect by plurality of votes, one chief and one assistant engineer, whose term of office shall be one year, and until others shall have been chosen to succeed them their election having been first confirmed by a majority of the board of councilmen; *provided, however*, that both or either of them (the chief and assistant engineer) may at any time be removed, upon a request to the board of councilmen of two-thirds of the members of said department, in which case a new election for both or either of them shall be ordered by said board of councilmen; and said chief and assistant engineer shall not be entitled to any salary for their services from said town.

Proviso.

Repealer.

5. *And be it enacted*, That so much of the act to which this is a supplement, and all acts and parts of acts, or supplements inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 26, 1866.

CHAPTER CCLXXXII.

An act to incorporate the Bridgeton and Port Norris Railroad Company.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William D. Barrett, Benjamin Rush Bateman, Richard D. Bateman, Robert T. Whitecar, Jefferson Lore, Clement J. Lee, John Burt, Silvanus Tubman, Addington Lore, Levi Lore, James Dunlap, James Powell, James H. Stevens, Benjamin F. Lee, Providence Ludlam, Wilmon W. Ware 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 "Bridgeton and Port Norris Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of 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 and fifty thousand dollars, with liberty to increase the same from time to time to any sum not exceeding five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to receive subscriptions.

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, or 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 this state, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners or some one of them, and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commisssioners shall give like notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose,

Election of directors.

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 deliver over the subscription books and moneys 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 the 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 said corporation shall provide.

Not dissolved for 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 had 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.

Installments

5. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct, and to collect the same, and in case of the non-payment of the said installments or any one of them, at their option 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 such officers, clerks and servants as to them shall seem meet, and to establish and fix such sal-

aries to them, and also to the president, as to the said board shall appear proper.

Powers of directors.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the city of Bridgeton, in the county of Cumberland, to run from the said city of Bridgeton and through the townships of Fairfield and Downe, in said county, terminating at or near the town of Port Norris, in the said township of Downe; *provided always*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the scope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route or routes of said railroad and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of said road shall have been determined upon, and a survey of such route or routes 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, lay rails, and do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out 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; *and also further provided*, that in case of an appeal from the decision of

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any commissioners who may be appointed to estimate or appraise the value of any land or material taken for the construction of said railroad and the damages which the owner or owners will sustain thereby, brought by such owner or owners, it shall be lawful for said company to proceed with the construction of their said railroad, and to take said land and materials by depositing the sum awarded by said commissioners, with the costs, with the clerk of the circuit court to which said appeal may be made, to be applied to the payment of any judgment that may be obtained upon such appeal in said circuit court or to the payment of such owner or owners in case the said appeal should be withdrawn, abandoned or otherwise discharged.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the city of Bridgeton or in the township of Fairfield, or in the township of Downe, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners (having first taken or 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, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of, the said railroad, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and asssessment of damages to be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy possesss and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials, feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said lands or materials may lie.

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Proceedings in case of appeal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the

said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor as the said court shall direct, but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages; in case the report of the commissioners is not appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands lie shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the

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same without being debarred thereby from his, her or their appeal from the report of the commissioners.

To construct bridges, &c.

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

May hold real estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate station on the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other buildings and improvements as they may deem expedient for the use of their road, the safety of property, the construction of engines and carriages and other purposes and to take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks or streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, that the said company whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges with suitable and sufficient draws, so as not to unnecessarily impede the navigation thereof.

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Dividends.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said railroad.

Rates of transportation.

12. *And be it enacted*, That the president and directors of said company shall have power to have constructed or to purchase with the funds of the company, all machines, engines, wagons, carriages or other vehicles for the transportation of persons or any species of property, on the railroad as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of four cents per mile for carrying each passenger on said railway, or at the rate of six cents per ton per mile for the transpor-

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tation thereon of every species of merchandise, produce, property and freight.

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 connections with the West Jersey railroad company and 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. Contracts

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads enjoyed under the provisions of this act, or 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. Penalty for injury to works.

15. *And be it enacted*, That when four miles 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 the restrictions created by this act. May commence running cars.

16. *And be it enacted*, That as soon as the railroad or any part thereof with its appendages shall be finished, so as to be used, the president and treasurer of said company shall file under oath or affirmation, on the first Monday in January in each and every year a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year and such other tax as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, provided that no other tare or impost shall be levied or assessed upon said company. Statement to be made.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road and furnish the said corporation with all necessary en- May borrow money.

gines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage, or otherwise, on the said road, lands privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

Limitation. 18. *And be it enacted*, That if the said railroad shall not be commenced within five years, and be completed at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void.

Who may ride free. 19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, the state superintendent of public schools, and the principal of the normal school, while 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 their annual or other sessions, shall pass and repass on the railroad of said company in their cars free of charge.

Approved March 27, 1866.

CHAPTER CCLXXXIII.

A further supplement to an act entitled "An act to incorporate the Williamstown Railroad Company," approved March thirteenth, eighteen hundred and sixty-one.

Authority to build wharves, &c. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "Williamstown Railroad Company" shall be and they hereby are authorized, at the terminus of its railroad on the river Delaware, in the county of Salem, to erect and build all such wharves, piers, docks, and slips, with all the appendages necessary and expedient for the use of said railroad at said terminus.

Powers to purchase and extend. 2. *And be it enacted*, That the said railroad company shall be and they hereby are authorized, upon obtaining the con-

sent of the Camden and Atlantic railroad company thereto, to extend their road to the Raritan and Delaware Bay railroad at Atsion, and also to purchase and hold the Batsto branch of the Camden and Atlantic railroad.

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

Approved March 27, 1866.

CHAPTER CCLXXXIV.

A further supplement to an act establishing Public Schools.

Whereas, the incorporated school district called Centre Grove, in the township of Fairfield, county of Cumberland, having unlawfully taxed the owners of real estate of said district for purposes different from educational, and thereby transcending their official powers; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Centre Grove district, in the township of Fairfield, Cumberland county, that has been incorporated into a school district according to law, is hereby repealed and its corporate powers declared to be hereafter of no binding force. Repealer.

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

Approved March 27, 1866.

CHAPTER CCLXXXV.

An act to incorporate Amwell Lodge, Number Twelve, Ancient Free and Accepted Masons, located at Lambertville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Thomas Thompson, Hiram Scarborough, John T. Neeley, Samuel Lilly, John Runk, Charles Names of corporators.

A. Skillman, William Crook, Charles Schulhaus, William G. Moore, Henry B. Nightengale, Jeremiah Hayhunt, Hugh B. Ely, Charles Roberts and Andrew J. Scarborough, and their associates, officers and members of Amwell Lodge, Number Twelve, Ancient Free and Accepted Masons of the state of New Jersey, and their successors be and they are hereby declared to be a body politic and corporate in law, by the name, style and title of "Amwell Lodge, Number Twelve, Ancient Free and Accepted Masons," and by that name they and their successors may at all times hereafter be able to sue and be sued, plead and be impleaded, have full power to collect any debts now due and owing to the said Amwell Lodge, in any court having cognizance of the same.

May hold lands, &c.

2. *And be it enacted*, That the said corporation shall be capable of having, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same, and also to have and use a common seal; *provided always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of fifteen thousand dollars.

Power of directors.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a board of directors, the number of whom, and the time and manner of their election or appointment, shall be provided for in the by-laws of said corporation; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

May borrow money.

4. *And be it enacted*, That for the purposes of erecting a suitable hall it shall be lawful for the said corporation to borrow money of its members and to issue scrip therefor bearing interest at a greater rate than six per centum per annum.

Not taxable.

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

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

Approved March 27, 1866.

CHAPTER CCLXXXVI.

A further supplement to an act entitled "An act to ascertain the times and places of holding certain courts."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the fourth day of July next the regular terms of the courts required to be held in the county of Cumberland, shall be held on the first Tuesdays in the months of October, January and May respectively, and in the county of Salem, on the third Tuesdays in the months of October, January and May respectively. Time of holding courts.

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

Approved March 27, 1866.

CHAPTER CCLXXXVII.

An act vesting the real estate of William Anderson, deceased, in Jane Anderson his widow.

WHEREAS, William Anderson, late of the township of Greenville, in the county of Hudson, and state of New Jersey, deceased, having acquired by his own industry and economy (and the industry and economy of his wife), a small amount of real estate situate in the township of Greenville, in the county of Hudson, and state of New Jersey, described as follows: namely, "One of said lots is known and designated as lot numbered seventy-nine (79) upon a map of one hundred and fifty-nine lots, situate in the village of Greenville, Hudson county, New Jersey," duly filed in the office of the clerk of Hudson county, by Samuel Griffing on May twenty-sixth, anno domini eighteen hundred and fifty-four, and also upon a "Map of eighty-five lots situated in the village of Greenville," filed in said clerk's office for the devisees of Samuel Griffing, deceased, on July twenty-fifth, eighteen hundred and fifty-nine, said lot being twenty-five feet wide in front and Preamble.

rear, and ninety-six feet eight inches deep on the northwesterly side, and ninety-six feet and five inches deep on the southeasterly side, and fronting on the southwesterly side of Greenville avenue, as laid down on said maps; the other two of said lots are known and designated as lots (number eighty-one and eighty-three) numbered eighty-one and eighty-three, in a "Map of eighty-five lots situate in the village of Greenville, Bergen Point," and taken together may be described as follows, viz: beginning at the northwesterly corner of lot number seventy-nine on said map, and in the southerly line of Greenville avenue, thence westerly along said line of Greenville avenue one hundred and twelve feet (112 feet) to the corner of said avenue and the new road from Bergen Point to Bergen, thence along said new road southerly fifty feet ten inches (50 feet 10 inches) to lot number eighty-five on said map, thence easterly along the last mentioned lot parallel with Greenville avenue ninety-nine (99) feet to said lot number seventy-nine, thence northerly along the last mentioned lot forty-eight feet and four inches (48 feet 4 inches) to Greenville avenue and the place of beginning; and whereas, the said William Anderson departed this life in the month of December, in the year eighteen hundred and sixty-two, intestate and without lawful issue, leaving Jane Anderson, his widow; and whereas, the said William Anderson has left no lawful heirs who can inherit the said real estate; and whereas, the said Jane Anderson is advanced in life and soon must become infirm, and the value of her dower in said premises is very trifling, and the title to the said real estate having been acquired partly by her own industry, toil and energy, and if vested in her would afford her a comfortable maintenance and relieve her from want; therefore,

Right vested in Jane Anderson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the right, title, estate, and interest of William Anderson, deceased, at the time of his death, of, in and to the real estate hereinbefore mentioned and described, shall be vested in the said Jane Anderson, her heirs and assigns; *provided, however*, that nothing in this act contained shall in any manner interfere with the lawful claims of any person whatever to the said lands and premises, other than those claiming or to claim under the state of New Jersey.

Proviso.

Approved March 27, 1866.

CHAPTER CCLXXXVIII.

A further supplement to an act entitled "An act to incorporate the Hibernia Mine Railroad Company," approved March eighteenth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "as now taxed," in the fourteenth section of the charter of said company, be repealed, and that the said last mentioned section shall henceforth be construed and have the same effect in all courts and places as if the words "as now taxed" were not contained therein. Repealer.

2. *And be it enacted*, That the act entitled "A supplement to an act entitled 'An act to incorporate the Hibernia Mine Railroad Company,'" approved March eighteenth, eighteen hundred and sixty-three, be and the same is hereby repealed. Repealer.

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

Approved March 27, 1866.

CHAPTER CCLXXXIX.

An act to enable "The Second Baptist Church of Cape May County" to convey lands.

WHEREAS, "The Second Baptist Church of Cape May County" did dismiss a number of her members for the purpose of constituting a new and independent church, and the members so dismissed were duly organized, and did become a corporate body under the name and title of "The Calvary Baptist Church of Cape May"; and whereas, it is believed that "The Second Baptist Church of Cape May County" does not possess legal ability to convey to the said "Calvary Baptist Church" an equitable portion of her property; therefore, Preamble

Power to convey property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Second Baptist Church of Cape May County" to convey to "The Calvary Baptist Church of Cape May" the lot of land and meeting house situate thereon, known as the Lower or Townsend's meeting house, with the appurtenances thereunto belonging; and the conveyance so made for the said lot of land and premises shall vest in the said "Calvary Baptist Church," and her assigns, all the estate and title which the said "Second Baptist Church of Cape May County" ever had or now has therein.

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

Approved March 27, 1866.

CHAPTER CCXC.

An act to facilitate Commerce.

Power to grant license

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor shall have power to license upon such terms as he may deem expedient (and may revoke such licenses) suitable persons as inspectors of beef, pork, flour, grain, tobacco, spirits, oils and all kinds of merchandise, on the wharves, docks and piers, stores and warehouses of this state, and in order to give a marketable character to the articles so inspected, the inspectors so appointed may use and affix the same marks of inspection as are used in the state of New Jersey or in the city of New York.

Fees.

2. *And be it enacted*, That the inspectors may charge the same fees as are now charged in New York; the said merchandise while the same is in bulk on the wharves, docks, piers, stores and warehouses for exportation or importation shall be exempted from the attachment laws of the state of New Jersey.

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

Approved March 27, 1866.

CHAPTER CCXCI.

Supplement to an 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 if any candidate for an office within this state, shall directly or indirectly, offer, promise, procure, confer or give any money, property or other thing of value to any person for giving or refusing to give his vote at any election held under the act to which this is a supplement, he shall be deemed and taken to be guilty of a misdemeanor, and, on conviction thereof, shall in addition to the penalties now prescribed by law be thereby disqualified to hold the office to which he was elected at such election. Penalty for offering.

2. *And be it enacted*, That if any person shall, directly or indirectly ask for, accept, receive or take, any money, property, or other thing of value, or the promise thereof for giving his vote at any election held within this state and be thereof convicted according to the act to which this is a supplement, he shall, in addition to the penalties therein prescribed, be disqualified to vote at any election held under the laws of this state for the full space and term of ten years from and after such conviction. Penalty for recovering

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

Approved March 27, 1866.

CHAPTER CCXCII.

An act to authorize the Governor to convey the Estate of New Jersey, in certain lands, to Sarah Johnson.

WHEREAS, one Ann Johnson, being or claiming to be lawful seized in fee simple of a certain lot of land situate at Westfield, in Chester township, Burlington county, under Preamble.

a deed of conveyance to her by Thomas McMaster and wife, bearing date the ninth day of February, eighteen hundred and forty-one, and of record in the clerk's office of said county, on page eighty-six, in book P 4 of deeds, devised the same to her mother, the said Sarah Johnson, for life, remainder in fee to one William Ashton, an illegitimate son of said Ann, as by reference to her last will, which, since her decease, has been duly proved before the surrogate of said county, and is of record in his office, on page one hundred and fifteen, in book G of wills, will more fully appear; and whereas, since the decease of his said mother, the said William hath also died, in his minority, intestate and without issue, whereby the said lot hath escheated to the state, subject the life estate of said Sarah, who is still living at an advanced age, in possession of said lot, under said devise, and by her humble petition, hath prayed that the state of New Jersey would release and convey said remainder to her; therefore,

Governor to make deed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state, for the nominal consideration of one dollar, but at the expense of the said Sarah Johnson, do make to her, under the great seal of the state, subscribed by him and attested by the secretary of State, a deed of the state of New Jersey, in due form to release and convey to her, in fee simple, whatever estate the state of New Jersey has in said lot of land, with with the appurtenances.

Approved March 27, 1866.

CHAPTER CCXCIII.

An act to authorize the inhabitants of the township of Vernon, in the county of Sussex, to raise by tax money to aid in filling the quota of said township in the last call for men.

Preamble

WHEREAS, the inhabitants of the township aforesaid, did at a special town meeting held on the ninth day of January, eighteen hundred and sixty-five, authorize the town committee to borrow if necessary such sum of money on the

credit of the township as will be sufficient to pay bounties of four hundred dollars to each volunteer, substitute or drafted man, that would relieve the township of one man in the last call made by the president for (three hundred thousand) men, and did also authorize that money to repay such sum be raised by a poll and property tax; therefore,

Act of town committee legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of the inhabitants of said township at said town meeting, and the acts and doings of the town committee in carrying the same into effect, be and the same are hereby made valid and effectual in law, and the town committee are hereby authorized to assess and collect the said sum of four hundred dollars for each of the (three) men who relieved the township under said call, with accruing interest and expenses by taxation, at such time and in such amounts as the said town committee may order and direct.

Tax

2. *And be it enacted*, That the said sum shall be raised by a poll tax of two dollars on each taxable male inhabitant of said township over twenty-one years of age, and the remainder by a general tax on the taxable property in said township, and shall be assessed and collected in the same manner and by the same officers as other township taxes are assessed and collected.

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

Approved March 27, 1866.

CHAPTER CCXCIV.

A supplement to the act entitled "An act for the better securing the property of married women," approved March twenty-fifth, eighteen hundred and fifty-two.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is a supplement, be and is hereby amended by inserting after the word "grant" the word "descent."

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

Approved March 27, 1866.

CHAPTER CCXCV.

A further supplement to the acts incorporating the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies.

Preamble. WHEREAS, in accordance with the provisions of an act approved March sixteenth, eighteen hundred and fifty-four, certain lines at low fares were to be run between the cities of New York and Philadelphia by way of the Camden and Amboy Road proper; and whereas, it is desirable that lines of that class be also run via New Brunswick; therefore,

Rate of transportation of passengers. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in view of the restrictions in the fourth section of the act approved March sixteenth, eighteen hundred and fifty-four, entitled "A further supplement to the act entitled 'An act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies,'" the Camden and Amboy Railroad and Transportation Company shall be required to run over each of the railroads operated by them in this state, at least two passenger trains each way per working day in which the fare shall not exceed two-and-a-half cents per mile, except that the whole fare shall in no case be required to be less than ten cents.

Consent of company to be filed. 2. *And be it enacted*, That this act shall not take effect until the said companies shall file in the office of the secretary of state their consent thereto under their corporate seals.

Approved March 27, 1866.

CHAPTER CCXCVI.

A supplement to an act entitled "An act to incorporate the Middlesex and Monmouth Turnpike Company," approved March thirteenth, eighteen hundred and sixty-three.

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 to begin the construction of their turnpike road at the junction of the Englishtown road with the Robertsville and Freehold road where they intersect the new Browntown road, which last named road being the route of the said turnpike, said intersection being opposite the residence of John Gray, in the county of Middlesex, in place of beginning at Old Bridge as named in their act of incorporation. Beginning of construction of road

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

Approved March 27, 1866.

CHAPTER CCXCVII.

A supplement to the act entitled "An act concerning witnesses," 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 hereafter a party to a suit in a representative capacity may be admitted as a witness therein, and, if so admitted, the opposite party may in like manner be admitted as a witness. Parties admitted as witnesses.

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

Approved March 27, 1866.

CHAPTER CCXCVIII.

An act to authorize the inhabitants of the village of Passaic to improve the sidewalks of said village.

Improvement of sidewalks, &c.

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 village of Passaic, who are land owners within the following limits, commencing at low mark on the west side of the Passaic river, at a point where the New York and Erie railroad crosses the same; thence along said railway northwesterly to the division line of lands of Mrs. Jane Aycrigg and Mrs. Anna Paulison; thence along said division line westerly, to the north side of the road leading from Passaic to Bloomfield; thence on a straight line to a point on the Paterson and New York plank road, one hundred feet north of the house now owned and occupied by Henry P. Simmons; thence northeasterly to the old road leading from Passaic to Weasel, to a point where it is intersected by the road leading from the residence of Mrs. John J. E. Vreeland; thence by the direct line of said road leading to the residence of Mrs. Jno. J. E. Vreeland, easterly to low water mark on the west bank of the Passaic river; thence along the west bank of the Passaic river to the place of beginning, to improve the sidewalks of the streets, by paving or planking the same, and that it may be done as is hereinafter provided.

Consent to be had.

2. *And be it enacted*, That as soon as the consent of the Paterson and New York Plankroad Company shall be obtained, the sidewalks of their road where it runs through the village shall be subject to the same regulations as the other sidewalks within the limits described in the preceding section.

Election of superintendent of streets.

3. *And be it enacted*, That within thirty days after the passage of this act there shall be an election by said land owners held, of which ten days previous notice shall be given, by any two of them, and put up at three public places in said village, designating the time and place of such election; and said landowners or such as may attend, shall, by a majority of votes, elect by ballot some suitable person, being a land owner as aforesaid, who shall be called the village

superintendent of streets, and three judicious persons, also landowners as aforesaid, commissioners of assessments; said landowners when so assembled as aforesaid shall choose a chairman and secretary to conduct said election, receive and count the votes, and their certificate of the election of the persons to the offices aforesaid shall be evidence thereof; and subsequent elections shall be held the third Tuesday of April of each year following, between the hours of 10 o'clock A. M. and 2 o'clock P. M.

Assessment to be made.

4. *And be it enacted*, That the persons elected commissioners as aforesaid; or any two of them (in case of inability or refusal of the third one to act) shall make an estimate of the probable cost of grading and paving the sidewalks, where they cross other streets and other expenses incurred under this act, except the cost of grading, paving or planking in front of each owners land, and shall apportion the amount among the said land owners in proportion to the number of running feet of land each landowner owns on such street, and the amount so assessed against each land owner shall be paid to the said commissioners within sixty days after written demand thereof shall have been made by said commissioners; and in case of neglect or refusal, said commissioners shall make out a list of delinquents, and place the same in the hands of a justice of the peace of the township of Acquackanonk, who shall issue a precept, in the nature of a tax warrant directed to a constable of said township, who shall proceed to collect the amount due from each land owner, in the same manner, as township and county taxes are authorized to be collected by the act entitled "An act concerning taxes;" *provided*, that before the said warrant shall issue, such justice of the peace shall be ratified by the oath of one of said commissioners, that the amount so claimed against any land owner is justly due and unpaid, and that the same hath been demanded as required by this act.

Proviso.

Sidewalks to be graded.

5. *And be it enacted*, That as soon as said assessments shall be made the said superintendent shall cause the sidewalks of the streets to be graded (each land owner, at his or her own cost, to grade the sidewalks in front of his or her lands) on the lines as they have been laid out by surveys or otherwise dedicated; shall pave the sidewalks where the same cross other streets, with such material and of such width as he shall deem proper; shall procure all necessary materials for the doing thereof; shall make all necessary drains and other passages for water, and the expenses thereof shall be

paid by said commissioners out of the moneys in their hands collected for that purpose.

Sidewalks to be paved or planked.

6. *And be it enacted*, That each land owner shall at his own cost lay a sidewalk, not less than four feet wide, with good flagging, hard, merchantable brick, or plank the sidewalks in front of his or her lands, and shall conform to the grade and regulations established by said superintendent, under whose direction the work shall be done; *provided*, that it may be lawful for three-fourths of the land owners on any street (each landowner to be entitled to one vote for every fifty running feet of land owned by him or her on such street, and each land owner to be entitled to one vote at least,) to notify the street superintendent to except any part or side of such street from the provisions of this act until some time as a majority of such land owners shall determine otherwise, and the street superintendent shall conform to said notice; the main street from the county bridge north to Washington avenue shall not be subject to this provision, but shall have both sidewalks improved.

Proviso.

Neglect or refusal how prosecuted.

7. *And be it enacted*, That if any land owner shall neglect or refuse to pave or plank the sidewalk in front of his or her land as aforesaid, within three months after he or she shall be notified by said superintendent to do so, the said superintendent shall proceed to have the same done, and he shall recover in his own name the expenses thereof (which shall include the cost of materials, carting and labor) from such land owner in an action of debt before any court having cognizance thereof, and the declaration in any such action may be general, stating that the demand is for so much money paid, laid and expended in paving or planking the sidewalks in front of his or her land by virtue of this act, and that the special matters may be given in evidence under it.

To be kept in repair.

8. *And be it enacted*, That after such sidewalks shall be graded, paved or planked as aforesaid, each land owner shall thereafter keep the same in good and sufficient repair in front of his or her lands, and in case of neglect or refusal, said superintendent shall cause the same to be so kept, and the expenses thereof shall be by him recovered against such landowners so refusing or neglecting, in the manner provided in the next preceding section of this act.

Quarterly statements to be made.

9. *And be it enacted*, That said commissioners shall render to said land owners full and detailed statements of all moneys collected and expended by virtue of the provisions

of this act every three months; and any ten land owners may at any time call a general meeting of land owners, to have a statement made by giving five days previous notice of the time and place of meeting, in three public places in said village, and also by giving like notice to said commissioners, either personally or leaving a copy at their usual place of abode, to attend such meeting and render such statements, and in case any commissioner shall neglect or resuse to attend and render snch statement (unless excused by a majority of land owners present at such meeting,) his office shall be considered vacant, and some other person, being such landowner, shall be appointed by such meeting in his place, and any commissioner for the time being may recover, in an action of debt, any moneys remaining in the hands of such removed commissioner, and which he shall neglect or refuse to pay over to his successor in office.

Assessments

10. *And be it enacted*, That assessments may be made from time to time, as is provided in the fourth section of this act, for the purpose of keeping said sidewalks where they cross other streets, in sufficient repair, and that such assessments shall be collected and paid in the manner mentioned in said section; and each street is to pay independently of the others; whatever expenses are incurred on such street by the provisions of this act, all crosswalks running in a direct line with any street to be considered a part of such street.

Du'ies o superintendent, &c.

11. *And be it enacted*, That whenever the person or persons owning the land on any street that may hereafter be opened, within the limits described in the first section of this act, shall determine by a majority of votes (each land owner to be entitled to one vote for every fifty running feet of land owned by him or her on such street, and each land owner to be entitled to one vote at least) to grade and pave, or plank the sidewalks of such street, such street shall thereafter be subject to the provisions of this act, and said superintendent and commissioners shall proceed to have the sidewalks of such street, graded and paved or planked, (as is provided for in the fourth and fifth sections of this act) and any land owner on such street may call a meeting of land owners under this section, by a written notice put up in three public places in said village, five days previous to the day of meeting, and designating the time and place of such meeting; and said land owners, when assembled, shall choose a chairman and secretary, who shall determine the number of votes to which each land owner is entitled, receive orally and

count the votes, and their certificate of such determination shall be evidence thereof.

Obstruction to be removed.

12. *And be it enacted*, That each and every land owner in front of whose lands, sidewalks shall have been or may hereafter be made in pursuance of this act, and every occupant of such lands, shall at all seasons of the year, clear and remove from said sidewalks, all snow, slush, ice or mud, that may be thereon, and shall also at all times, clear out, and keep open for the free and easy passage of, and flow of water, the drains and gutters in front thereof; and if any such land owner or occupant shall neglect or refuse to do so, for the space of six hours after being notified by the village superintendent of streets, the said superintendent, shall have the same done, and the expense thereof, may be recovered by him against such land owner or occupant, in the manner directed by the seventh section of this act.

Penalty for obstructing sidewalks.

13. *And be it enacted*, That every person who shall ride, or drive a horse, team or cattle on any sidewalk made in pursuance of this act, except for the purpose of crossing the same when necessary so to do; and every person who shall place, or cause, or permit to be placed on the same, any obstruction, and shall fail to remove the same for the space of six hours after being notified as aforesaid, shall forfeit and pay for each and every offence the sum of five dollars, to be sued for and recovered by the said superintendent, and to be expended for the purpose for which assessments are authorized to be made by this act.

Term of office.

14. *And be it enacted*, That said superintendent and commissioners shall hold their offices for one year, or until others shall be elected, unless sooner removed as is herein provided; and the street superintendent shall be entitled to receive one dollar and fifty cents for each day he shall be engaged in the execution of his office under this act; his demand to be certified to, and paid by the commissioners from moneys collected under the provisions of this act.

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

Approved March 27, 1866.

CHAPTER CCXCIX.

An act for the relief of Benjamin Gomans.

Preamble. WHEREAS, one George Gomans, late of the county of Sussex, was on the first day of November, in the year eighteen hundred and sixty-three, arrested in said county upon a charge of grand larceny; and whereas, Benjamin Gomans, father of the said George, entered into recognizance to the state of New Jersey in the sum of five hundred dollars for the appearance of the said George at the next term of the court in and for said county; and whereas, the said George, afterwards to, wit: after said arrest and before the next sitting of said court, enlisted in the military service of the United States and has not been heard from for over two years past and is supposed to have been killed in said service, and has not been appeared before said court, and in consequence thereof the recognizance of the said Benjamin Gomans has been forfeited; and whereas, the said Benjamin is a man in moderate circumstances, and the payment of the said sum would impoverish and wholly ruin him; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Benjamin Gomans be and that he is hereby released from the payment of the said sum of five hundred dollars, and from all liability on said recognizance.

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

Approved March 27, 1866.

CHAPTER CCC.

A supplement to an act entitled "An act to incorporate the Dale Manufacturing Company," approved February thirteenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Dale manufacturing company Authority to purchase real estate.

be and they are hereby authorized to purchase, hold, sell and convey so much real estate as may may be necessary for the purposes of the business of said company, and for the erection of tenements for the accommodation of their employees; *provided*, that the same shall not exceed at any one time twenty acres and that the same shall all be situate within this state.

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

Approved March 27, 1866.

CHAPTER CCCI.

An act to incorporate the Union Fire Company of Lambertville.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Gervas Ely, Joseph R. West, Richard McDowell, John Jones, Jonas Worman, Robert H. Dilts, John L. Coryell and their associates, be members of the Union Fire Company of Lambertville, and their successors be and they are hereby declared to be a body politic and corporate in law, by the name, style and title of "The Union Fire Company of Lambertville," and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded in all courts of jurisdiction, and may at all times hereafter be capable in law of holding and possessing any lands, tenements and hereditaments, and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, and also to have and use a common seal; *provided, always*, that the said corporation or body politic shall not at any time, hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Proviso.

May make by-laws.

2. *And be it enacted*, That the said corporation shall have full power and authority to make, form and adopt such form of constitution, by-laws, and regulations for their government as they shall think proper, not inconsistent with the constitution and laws of this state or of the United States.

May borrow money.

3. *And be it enacted*, That for the purposes of erecting a

suitable engine house and place of meeting, it shall be lawful for the said corporation to borrow money and to issue scrip therefor, bearing interest at a greater rate than six per cent. per annum.

4. *And be it enacted*, That the acting enrolled members of said company shall be exempt from serving as jurors in any of the courts of this state, Exempt from jury duty.

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

Approved March 27, 1866.

CHAPTER CCCII.

A further supplement to the act entitled "An act to provide for the maintenance and instruction of indigent children of feeble minds, inhabitants of New Jersey," approved March twelfth, eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expense of each feeble minded child, instructed at the charge of the fund provided in the act to which this is a further supplement, shall not exceed the sum of three hundred dollars, including clothing. Annual expense.

Approved March 27, 1866.

CHAPTER CCCIII.

An act for the relief of Ensign Decatur.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ensign Decatur, of the town of Lambertville, in the county of Hunterdon, be and he is hereby restored to all his rights and privileges as a citizen of the state of New Jersey.

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

Approved March 27, 1866.

CHAPTER CCCIV.

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," approved March twenty-fifth, eighteen hundred and fifty-two.

Term office of board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of water commissioners of Jersey City shall hereafter consist of four members, to wit: a president, who shall be appointed by the governor of this state, by and with the advice and consent of the senate, and commissioned for the term of five years and until a successor shall be appointed, commissioned and qualified to enter upon the duties of his office; of one member, who shall be appointed and commissioned in like manner by the governor for the term of four years and until a successor shall be appointed, commissioned and qualified in his stead; of one member who shall be appointed and commissioned in like manner for the [term] of three years, and until a successor shall be appointed, commissioned and qualified in his stead; and of the person who shall be the regular president of the common council of Jersey City, and who, while he is such president of the common council, shall be ex-officio a member of the said board of water commissioners, two of whom, the president of the said board being one, shall be a quorum for the transaction of business; and all moneys now deposited in banks by the water commissioners of Jersey City, or which hereafter may be, shall be made payable to the joint order of the president and one other member.

Who may be appointed commissioners

2. *And be it enacted*, That the said president and commissioner so appointed by the governor, shall be citizens of this state, residents of Jersey City, of the age of at least thirty years, and shall have been residents of said city for at least three years next before their appointment; and that they shall before entering upon their duties as commissioners, each take and subscribe an oath faithfully to perform the duties of water commissioners of Jersey City according to law, which oath shall be administered by any notary public of this state, or the city clerk of Jersey City, and filed by

said clerk in his office; and they shall also each give a bond in the penalty of twenty thousand dollars, with two good and sufficient sureties to the mayor and common council of Jersey City, to be approved by a justice of the supreme court as to form, sufficiency and manner of execution, for the faithful performance of their duties as such commissioners.

Powers and duties.

3. *And be it enacted*, That the board of water commissioners of Jersey City, as herein constituted, shall have and possess all the powers, shall perform all the duties, and be liable to all the restrictions and penalties which the board of water commissioners of Jersey City, heretofore created and existing at the time of the passage of this act, had and possessed, or were liable to; and in the settlement of all contracts for work finished or unfinished, and for liabilities of every kind, the board of water commissioners under this act shall be held accountable in the same manner, and to the same extent, as the said former board would have been held if continued in office.

Property to be delivered to commissioners.

4. *And be it enacted*, That the commissioners appointed under this act, or any two of them, one of which shall be the president, shall immediately upon receiving their commissions from the governor, and upon taking said oath and giving said bonds, apply to the commissioners now having the same in charge, who shall thereupon immediately relinquish, resign, surrender and deliver over to said applicants the care, custody and management of the Jersey City water works and drainage works, and all parts thereof, and all property of every kind and character belonging thereto or connected therewith, including all moneys, bonds, notes, books of account, registers, plans, drawings, specifications, maps, vouchers and papers, or things in any way relating to or connected with the business or management of the said water or drainage works which may be in their possession or under their control, or in the possession or control of their officers, agents or other persons employed by them for the care and management thereof.

Duties of president.

5. *And be it enacted*, That it shall be the duty of the president of the board of said water commissioners to attend regularly, on every business day at the water commissioners' office in Jersey City, and take the general charge, supervision and direction of the Jersey City water and drainage works, and of all officers, agents, overseers, inspectors, workmen and others employed in the care and management of

the same; and it shall also be the duty of the said president and at least one of the other commissioners to visit the engine house and inspect the pumping engines and other machinery, the reservoirs and other parts of the water works, once in each month, or oftener, if necessary; and to make and preserve, in a book to be provided for that purpose, a record of all such visits, with remarks upon the condition in which the several parts of the water works were found, and upon the conduct of those having charge thereof; and if, by reason of the death, resignation, removal from office or other inability of the said president to perform said duties, the same shall be performed by the other commissioner appointed by the governor; and in case of like inability on the part of the last named commissioner, the same shall be performed by the ex-officio commisssoner, until the vacancy is supplied or disability removed.

Compensation.

6. *And be it enacted*, That the salary of the president shall not exceed the sum of twenty-five hundred dollars per annum, the salary of the other commissioners at the rate of five hundred dollars per annum, to be paid out of moneys in the hands of the said water commissioners at such times as they see fit.

May be removed.

7. *And be it enacted*, That each of the water commissioners commissioned by the governor shall be liable at any time to be removed from office by the governor at the written request of two-thirds of all the members of the common council of Jersey City; *provided, however*, that it shall appear satisfactory to him after hearing the causes of complaint, to be specified in writing, and the answers thereto, if any shall be made after reasonable notice, that there is good cause for such removal; and on such removal being made, or on the death, resignation, removal from Jersey City, or inability of the president or other commissioner to perform the duties of his office, the governor shall forthwith appoint another in his place, who shall hold his office until the next regular session of the legislature and until another shall be regularly appointed, commissioned and qualified to act in his stead, which commisioner so regularly appointed, commissioned and qualified shall hold his office for the unexpired term of the former regular commissioner.

Proviso.

Repealer.

8. *And be it enacted*, That so much of the second, eleventh, twenty-fourth, twenty-fifth and twenty-seventh sections of the act to which this is a supplement, and all other parts of said act and the supplements thereto, as may be inconsist-

ent with the provisions of this act, shall be and the same are hereby repealed; but such repeal shall not affect any suit or action now pending, or any right, remedy, claim or cause of action heretofore accruing or accrued, either in favor or against the water commissioners of Jersey City.

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

Approved March 27, 1866.

CHAPTER CCCV.

An act to incorporate the West Hoboken Fire Deparment, in the County of Hudson.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the citizens of the township of West Hoboken, between the ages of twenty-one and fifty-five years, be and the same are hereby created and declared to be a body politic and corporate, under the name and style of "The West Hoboken Fire Department, in the county of Hudson."

May form fire companies.

2. *And be it enacted*, That the said citizens shall have power at any time hereafter to form such and so many fire engine, hose and hook and ladder companies as they may deem desirable for the purpose of protecting the property of the township of West Hoboken from damage or destruction by fire; *provided*, not more than one fire engine, hose and hook and ladder company be formed to every four thousand inhabitants.

Election of trustees.

3. *And be it enacted*, That the legal voters of said township of West Hoboken, at their next annual town election, and at every succeeding town election for the township of West Hoboken shall elect, by plurality of votes, same as other officers of the township are elected, and on the same ballot with the other township officers, several citizens 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, by a majority of their number, shall have power to grant or annul a certificate of membership to the members of either of said fire engine, hose or hook

and ladder companies, and that such certificate shall be necessary to constitute membership; no certificate shall be granted at any time to honorary members.

Real estate vested in trustees.

4. *And be it enacted*, That the estate, both real and personal, hereafter to be acquired under this act, not exceeding the sum of twelve thousand dollars, 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 this state or of the United States; a majority of said trustees shall constitute a quorum for the transaction of business.

Proviso.

May vote money for building and other purposes.

5. *And be it enacted*, That it shall and may be lawful for the inhabitants of the township of West Hoboken, at their next annual town election and at their annual town election next thereafter succeeding, to vote for any sum of money, not exceeding one thousand dollars, and at each and every annual town election thereafter to vote for a sum, not exceeding five hundred dollars, for the purposes hereinafter mentioned, a certificate of which vote shall be delivered by the clerk of the said township to the assessor of said townships, on or before the first Monday of May ensuing such election, which money so voted shall be assessed and collected in the same manner as the other taxes of the said township are assessed and collected, as provided in the act incorporating said township, and when so collected shall be paid over by the collector of said township to the treasurer of the board of fire trustees of said township, and his receipt for the same shall be a sufficient voucher therefor; which money shall be solely and exclusively applied by the said board of trustees as follows, to wit: a sum or portion thereof, not exceeding five hundred dollars, in each of the next succeeding two years, to the building, furnishing, repairing, maintaining and preserving of suitable and commodious cisterns or reservoirs of water in said township, and to the purchasing, leasing or procuring of real estate necessary therefor, and to such other expenses incident to the same as shall to the trustees appear best calculated to promote the objects of this act; and a further sum or portion thereof, not exceeding five hundred dollars, in each and every year hereafter, to the repairing, maintaining and pre-

serving of the engine, engine house, truck, truck house, fire hooks, ladders, hose, hose carriages, axes, buckets and necessary implements and materials, and to the purchasing or leasing of real estate necessary for such engine and truck houses, and to such other incidental expenses as shall to the said board of fire trustees appear necessary, and best calculated to preserve the property of the inhabitants of the said township and promote the objects of this act.

May make contracts.

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.

Election of Chief engineers and officers.

7. *And be it enacted*, That the duly constituted members of said department (of which the present qualified members of Neptune Engine Company, Number One, Eagle Hose Company, Number One, and Dexter Hook and Ladder Company, Number One, shall be members), shall have power to elect, by plurality of votes, one chief and one assistant engineer of said department, who shall hold their offices for one year and until others shall have been chosen to succeed them, their election having first been confirmed by a majority of said trustees; *provided*, they, or either of them, may at any time be removed, if desired, by a request upon the trustees of two-thirds of such members, in which case a new election shall be ordered by the said trustees to fill their or either of their places; the said trustees shall have full power to regulate and specify the time for all elections for chief or assistant engineer.

Proviso.

Vacancies.

8. *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.

Exempt from certain duties.

9. *And be it enacted*, That all persons, during the period of their actual membership in either of the companies organized in and by the said department shall be exempt from serving as jurors in all courts of Hudson county, a d 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 seven years, and having received a certificate from said trustees of such service, shall be forever exempt from such duty and tax in said county; citizens of

the township of West Hoboken, having served in any of the fire companies in the county prior to the incorporation of this department shall, upon becoming members thereof, be entitled to their whole time of service on their certificates of membership in this department.

List of members to be filed.

9. *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 department, within twenty days after their confirmation by the said trustees, in the office of the clerk of the county of Hudson, 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 illegal voting.

10. *And be it enacted*, That if any person shall vote at any election for chief and assistant engineer, or either of them, who is not qualified as aforesaid, he shall be subject to the same penalties of any person who should vote at the annual town meeting of the township of West Hoboken, without being duly qualified so to do.

No compensation allowed.

11. *And be it enacted*, That no person connected with said fire department of the township of West Hoboken, or the trustees thereof, be entitled to any salary for their services in connection with the same.

Repealer.

12. *And be it enacted*, That all acts and parts of acts or supplements thereto, of any individual fire company in the township of West Hoboken, that may be inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 27, 1866.

CHAPTER CCCVI.

An act relating to the locations of Cemeteries within certain limits of the city of Paterson.

Preamble.

WHEREAS, the existence of cemeteries and burial places near to the business portion of, and desirable places for residences within the city of Paterson, as heretofore located,

has proved injurious to the growth and prosperity of said city; therefore,

Cemetery not to be located in city limits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person or persons, incorporated company, or religious or other society or associations to locate or establish, or cause to be located or established any cemetery or burial ground, nor to apply or use for the purpose of burying the dead any land not heretofore applied and used for that purpose within the following limits of the city of Paterson, in the county of Passaic: that is to say, within the distance of six thousand feet from the street monument, established at the corner of Market and Willis streets, in said city.

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

Approved March 27, 1866.

CHAPTER CCCVII.

A further supplement to "An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money for the support of Free Schools," approved March fifth, one thousand eight hundred and forty-nine.

Provisions of original act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "A further supplement to an act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money for the support of free schools," approved March fifth, one thousand eight hundred and forty-nine, which said supplement was approved March twenty-second, eighteen hundred and sixty-five, be and the same are hereby extended and made to apply to the Central Union School district, in the said township of Bloomfield, one of the districts organized under the act to which this is a supplement.

Central union school district.

2. *And be it enacted*, That all acts and parts of acts coming within the perview of this act and being repugnant

thereto, be and the same are hereby repealed, so far as they relate to the said Central Union School district.

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

Approved March 27, 1866.

CHAPTER CCCVIII.

An act to provide for the payment of scrip issued by the township committee of the township of Bloomfield, in the county of Essex, in order to meet the last call for troops in eighteen hundred and sixty-five, by the government of the United States.

Preamble

WHEREAS, at the request of the inhabitants of the township of Bloomfield, in the county of Essex, the township committee of said township did in the month of March, eighteen hundred and sixty five, issue scrip to the amount of fifteen thousand dollars, to such persons as volunteered or furnished substitutes to fill the quota of said township under the then last call for troops for military service under the general government, said scrip being for the sum of two hundred and fifty dollars to each volunteer for three years, and to each person furnishing a substitute for the period last named, and one hundred and sixty-six dollars and sixty-six cents to each volunteer and each person furnishing a substitute for the period of two years, and eighty-three dollars and thirty-three cents to each volunteer and each person furnishing a substitute for the period of one year, which said scrip is now outstanding; therefore, in order to provide for the payment of the same by the substitution therefor of the bonds of said township,

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said township committee to make and issue the bonds of said township in and by its corporate name to the amount of said scrip, being the said sum of fifteen thousand dollars, to be exchanged for said scrip or given in satisfaction thereof; that said bonds shall bear date the first day of December, eighteen hundred and sixty-five, and may be of such amounts

each as said township committee may deem most advantageous, and shall bear interest at the rate of seven per centum per annum payable yearly; said bonds shall be of five different classes as to the time of maturity thereof, the first class to become payable in two years from the date thereof, and one class in each successive year thereafter until all shall become due; said bonds to be signed by the presiding member of said committee and attested by said township clerk, and when so made and issued they shall be and remain the lawful obligations of said township, and binding on said township in its corporate character to all intents and purposes as fully as any other debt or obligation of said township.

Duty of assessors.

2. *And be it enacted*, That it shall be the duty of the assessor of said township to assess upon the taxable inhabitants and property in said township, in each successive year from and after the date of said bonds a sum in addition to the other moneys raised by tax in each year in said township sufficient to pay the said interest and principal money that may fall due in each year upon said bonds or any part of the same, and said principal and interest money so assessed shall be assessed and collected at the same time and in the same manner as other township taxes are assessed and collected.

Poll tax.

3. *And be it enacted*, That to meet in part the payment of said moneys in each year a poll tax shall be assessed and collected on each inhabitant liable to a poll tax for other purposes, of four dollars in addition to the other poll tax required by law; *provided*, said poll tax shall not exceed in all the sum of six dollars in any one year, and if the poll tax authorized in this act shall cause an excess over and above said six dollars such excess shall be remitted.

Proviso.

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

Approved March 27, 1866.

CHAPTER CCCIX.

A supplement to an act entitled "An act to incorporate the Orange Oil Company," approved March twenty-ninth, eighteen hundred and sixty-five.

Preamble. WHEREAS, the Orange Oil Company, by an act of the legislature of this state, entitled "An act to incorporate the Orange Oil Company," approved March twenty-ninth, eighteen hundred and sixty-five, was ordained, constituted and declared to be a body politic aud corporate in law, and in name, with certain rights, privileges and franchises, and subject to certain duties, limitations and restrictions; and whereas, the said company, through inadvertence, have omitted to pay the tax and assessment imposed upon their said act of incorporation by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight; therefore,

Original act revived. 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 Orange Oil Company," approved March twenty-ninth, eighteen hundred and sixty-five, shall stand revived aud shall have the same force and effect as if the said tax and assessment had been duly paid on or before the first day of July next after the passage of said last mentioned act;

Proviso. *provided*, that the said tax and assessment imposed by the act entitled "An act to increase the revenues of the state of New Jersey," shall be duly paid on or before the first day of July next after the passage of this act.

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

Approved March 28, 1866.

CHAPTER CCCX.

An act to change the name of the Bayard Street Methodist Episcopal Church of New Brunswick, incorporated by certificate dated January fifth, eighteen hundred and fifty-nine, and recorded in the clerk's office of Middlesex county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Bayard Street Methodist Episcopal Church of New Brunswick, be and the same is hereby changed to the Saint James Methodist Episcopal Church of New Brunswick. Corporate name.

2. *And be it enacted*, That all the legal rights and liabilities of said corporation, shall remain the same as if this act had not passed and that this act shall take effect immediately. Rights and liabilities.

Approved March 27, 1866.

CHAPTER CCCXI.

A supplement to the act entitled "An act to authorize the inhabitants of the township of Linden, in the county of Union, to vote by ballot at their annual town meetings," approved March fourth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judge of election elected at the last or any future town meeting hereafter held in the township of Linden, in the county of Union, shall preside at and conduct the election at the next annual town meeting, and the clerk of the township shall be the clerk thereof, and the officers at said election shall be eligible to any office at said election except that of justice of the peace. Judge and clerk of town meeting.

2. *And be it enacted*, That so much of the act to which this is a supplement and all other acts which conflict with this act are hereby repealed.

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

Approved March 27, 1866.

CHAPTER CCCXII.

Supplement to an act entitled "An act to provide for the raising of money paid for bounties in the town of Newton, in the county of Sussex," approved March seventeenth, eighteen hundred and sixty-five.

May issue bonds

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of said town for the time being, shall be and they are hereby authorized and empowered to issue, upon the credit and responsibility of the said town, the corporate bonds of the said town, to be signed by the town collector and countersigned by the town clerk of said town, and numbered and registered in a book for that purpose to be kept by the said town clerk, to be of such denominations and payable at such times, not exceeding four years from date, and at such rate of interest, not exceeding seven per centum per annum, as the said town committee shall deem best, to an amount not exceeding twenty thousand dollars, and the said committee may negotiate the same at not less than their par value, to satisfy, pay off and discharge such corporate bonds of the said town, as may have been heretofore issued and negotiated by the town committee of said town, and the said committee shall from time to time cause to be assessed and collected at the times and in the manner other town taxes are assessed and collected, the moneys necessary to redeem the bonds by this act authorized, and the interest thereon, except that in raising the same there shall be assessed and collected a poll tax of ten dollars at each assessment, that is, each year, upon each male inhabitant of said town subject to a poll tax; *provided however*, that no person shall be liable to said poll tax, who on the first day of July, eighteen hundred and sixty-four, was and for one year previous thereto had been an officer or enlisted man, serving in the military service of the United

Proviso.

States and who shall have been honorably discharged from the said service.

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

Approved March 27, 1866.

CHAPTER CCCXIII.

A supplement to an act entitled "An act to incorporate the Paterson Petroleum Company," approved March thirty-first, eighteen hundred and sixty-five.

Preamble. WHEREAS, the Paterson Petroleum Company, by an act of the legislature of this state, entitled "An act to incorporate the Paterson Petroleum Company," approved, March thirty-first, eighteen hundred and sixty-five, was ordained, constituted and declared to be a body politic and corporate in law and in name, with certain rights, privileges and franchises, and subject to certain duties, limitations and restrictions; and whereas, the said company through inadvertence have omitted to pay the tax and assessment imposed upon their said act of incorporation by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight; therefore,

Orginal act revive l. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Paterson Petroleum Company," approved March thirty-first, eighteen hundred and sixty five, shall stand revived and shall have the same force and effect as if the said tax and assessment had been duly paid on or before the first day of July next after the passage of said last mentioned act; *provided*, that the said tax and assessment imposed by the act entitled "An act to increase the revenues of the state of New Jersey," shall be duly paid on or before the first day of July next after the passage of this act.

Proviso.

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

Approved March 27, 1866.

CHAPTER CCCXIV.

An act for the improvement of streets and highways in the township of Union, in the county of Hudson.

Township committee may make contracts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Union, in the county of Hudson, upon application to them by one-third of the resident property owners on any of the streets, roads or public highways of said township of Union, for the improvement of the same, to publish said application in at least one of the papers published in the county of Hudson and circulated in the township of Union for a time not less than thirty days, as also in at least five of the most public places of said township, for the same space of time; and if no objections be made by a majority of the resident property owners along said line of contemplated improvements, then the said town committee shall proceed to advertise for sealed proposals, which proposals shall be opened and read off in a public meeting of the town committee of said township of Union; and the said township committee shall then and there award the contract for any such improvement or improvements to the lowest bidder through such sealed proposals; *provided always*, that the said bidder or bidders shall be required to give satisfactory bonds for the faithful performance and execution of his or their contract, according to the requirements and specifications published by the town committee; and the town committee of said township of Union, or a majority of them, shall always be the sole judges of the amount and character of the bonds required, and also superintend the work contracted for.

Proviso.

Repealer.

2. *And be it enacted*, That the law creating the office of roadmaster in said township of Union be and the same is hereby repealed.

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

Approved March 27, 1866.

CHAPTER CCCXV.

An act to incorporate the Camden Hotel Company of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert W. Markley, John Hood, Andrew B. Frazee, James Elwell, William S. Scull, 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 in law, by the name of "The Camden Hotel Company of Camden," and as such shall have perpetual succession, and be capable in law of suing and being sued, and having a common seal, and altering or renewing the same at pleasure, and shall have power to have, hold, receive, enjoy, and take by lease or absolute conveyance in fee simple such real estate as may be necessary for the purposes and designs of the corporation hereby created, and to purchase or construct the necessary buildings for the accommodation and use of any person who may be desirous of renting and occupying the same; and when, in the opinion of the said corporation it may be proper so to do, to sell and convey the said real estate, or any part thereof, to any person or persons who may be desirous of purchasing the same. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars each, with privilege to increase the said capital to one hundred thousand dollars, 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, whenever balloting is required each share of stock shall entitle the holder thereof to one vote. Amount of capital stock

3. *And be it enacted*, That the affairs of the company shall be managed by five 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 Directors to be elected annually.

chosen in their stead; and said directors may hold such meetings of their board as they may by their by-laws, or otherwise, from time to time, prescribe; three members shall be a quorum at these meetings.

Power of directors.

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.

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

Approved March 27, 1866.

CHAPTER CCCXVI.

An act to incorporate the Freehold and Jerseyville Turnpike Company.

Names of commissioners to receive subscriptions.

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 Freehold and Jerseyville Turnpike Company shall be opened by Joel Parker, William H. Conover, Simon F. Pyle, Daniel H. Ellis, John C. Forman, Thomas W. Ryall, Charles H. Haviland, John D. Forman, John Buck and John Dillentosh, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock at such times and such places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty for the said company to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two 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 "Freehold and Jerseyville Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges

appertaining to corporate bodies and necessary to carry the objects of said company into effect.

3. *And be it enacted*, That at the time of subscribing for said stock two dollars shall be paid upon each share subscribed for, to the commissioners, or any two of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription 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, or give public notice thereof in the manner aforesaid, and upon failure of the payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for, as aforesaid; *provided also*, that 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, under such regulations, at such time and upon such notice, by either party, as the directors may determine.

Payment of installments

Proviso.

Proviso.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening the said 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.

Limitation of time for receiving subscriptions.

5. *And be it enacted*, That when two hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot seven directors, a majority of whom shall be citizens of this state, to manage the affairs of said company

Election of directors.

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.

Duties and powers of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid the said directors shall elect from among their number a president of their said company, who shall be a citizen of this state and a resident of the county of Monmouth, who shall hold his office for one year 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 in the intervals between the annual elections by death, resignation, removal or refusal to act of any president or directors, and may appoint a treasurer, who shall be a citizen of this state and a resident in the county of Monmouth, and all officers, agents, superintendents, and other servants that may be required, to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock and for the general government of the company and management of its affairs; *provided*, the same are not repugnant

to the constitution or laws of this state or the United States.

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.

Special meetings.

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

Not dissolved by failure to elect

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 ths charter shall not be defeated or avoided by reason of the irregularity or want of such election.

May construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the highway which passes through Jerseyville from Blue Bail to Colt's Neck, to the Freehold and Howell turnpike road at the junction near the Freehold Institute, 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 if in the opinion of the board of directors of said company, or a majority of them, duly expressed at any regularly called meeting thereof, said public road is not of sufficient width to construct a properly built turnpike road upon, then and in that case the said company shall have power and it may be lawful for them to widen said public road so that the greatest width thereof shall not exceed three rods, and that said widening be done equally on each side from the centre of the said public road as laid out; *provided further*, that in order to widen said public road as

Proviso.

aforesaid, and before the said company shall be authorized to widen the same, it shall be the duty of said company to obtain the written consent of three-fourths of the owners of land whose land would be used for the purposes of the said widening; *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 lands over which the said highway selected for constructing said turnpike road now passes, together with the added width (if divided as aforesaid), all damages which the said owners will sustain by reason of the construction of the said turnpike road, and in case said company and any of the owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for, for ascertaining and determining the damage which any land owner shall sustain by the taking of stone, gravel or other materials from his or her land 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 (including the added width if widened as aforesaid), paying damages which the owners will sustain thereby, but not paying for the lands used in widening the said public road as aforesaid, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Breadth 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 (including the added width, if widened), and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road, not less than eighteen 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 overset, 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.

13. *And be it enacted*, That it shall be lawful for said com-

pany, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the 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 underdrains 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 land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company 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 appraisement of the value of the same and assessment of dam-

Proceedings when company and owners cannot agree.

ages 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 aforesaid, 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 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 justices, 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 said company.

May erect gates.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or a turnpike across the said road, not exceeding three in number, and to demand and receive toll in traveling each mile, and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent;

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 or calves, sheep or hogs, or carriages of burthen or pleasure,

from passing through the said gates or turnpike until they shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day, 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 training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States. Proviso.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause milestones 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 Freehold, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "keep to the right as the law directs." Mile stones to be erected

16. *And be it enacted*, That if any person shall wilfully break down, throw down, or deface any of the milestones or posts so erected on the said road, or wilfully tear down and deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof, in an action of debt with costs of suit. Penalty for injury to works.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing at any of Penalty for delaying travellers.

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 the carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Bridges and road 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 the 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 a 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 the 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 same 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 person or persons making the complaint; and in case three of the township committee as aforesaid are not disinterested, then the said justice shall appoint, in the same manner as above prescribed, one or more respectable freeholders in the township or townships who may be disinterested, to serve in the place or stead of any member or members of the township committee so disqualified.

Limitation of time for completion of road.

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, then and in that case this act shall 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, eighteen hundred and forty-six, so far as the same are applicable.

When toll may be taken.

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 tollgate 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 March 27, 1866.

CHAPTER CCCXVII.

An act to incorporate the Morristown and Baskinridge Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel D. Craig, Stephen Breese, Ferdinand Van Doren, William V. Beers, and Cyrus Pruden, and the survivors of them and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in law, by the name and style of the Morristown and Baskinridge Turnpike Company.

Commissioners to receive subscriptions

2. *And be it enacted*, That the said Daniel D. Craig, Stephen Breese, Ferdinand Van Doren, William V. Beers and Cyrus Pruden, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company at such times and places as they may direct, giving notice thereof for twenty days in one of the public newspapers of the county of Morris and in one of the public newspapers of the county of Somerset.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing the same to any sum that may be necessary to carry into full effect the object of this act, and not exceeding forty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, transferable in such manner as the by-laws of said company may direct; that at the time of subscribing for said stock the sum of two dollars and fifty cents shall be paid upon each share subscribed for to said commisssioners or to some person appointed by said commissioners for that purpose, which shall be paid over to the treasurer of the company as soon as one shall be appointed; and the residue of said shares shall be paid in such installments and in such places as the board of directors shall from time to time direct, giving notice of the time and place of payment personally, or in manner aforesaid, and said board shall have power without further notice, to forfeit to the use of the company any shares upon which any such installment shall not be paid.

4. *And be it enacted*, That when four hundred shares of said stock shall have been subscribed for and the first installment thereon paid, said commissioners shall call a meeting of the stockholders for the election of directors, giving notice of the time and place of such meeting in manner aforesaid, and shall certify to said meeting a list of the shareholders who have paid up their first installment, at which time and place such shareholders shall proceed to elect by ballot seven directors, who shall be shareholders and citizens of this state, who shall hold their office for the term of one year and until others are chosen in their place, and said commissioners or such of them as shall attend for that purpose shall be judges of said election, and at or after the expiration of said year an election of the like number of directors, with the like qualifications shall be held annually at such day as the directors by their by-laws shall appoint, who shall hold their office for one year and until others are chosen in their places and in case such election shall not be held on the day appointed, the board may order a special election to be held for such directors for the residue of said year, of all which elections notice shall be given in manner aforesaid; no director shall retain his seat after he ceases to be a shareholder, and all vacancies in the board may be filled by a majority of the directors for the time being, and in all cases in which the stockholders shall be entitled to vote a vote may be given for each share by the holder or holders thereof, either in person or by proxy. Election of directors.

5. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall be a citizen of this state and a resident of the county of Morris or Somerset, who shall hold the said 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 stockholders, and in case of his death, absence or inability to do so, the said directors shall appoint some other person who for the time being shall possess the same powers and authority and perform all the duties herein prescribed. Election of president.

6. *And be it enacted*, That the said directors, or a majority

Powers of directors.

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 and secretary, who shall be citizens of this state and residents of the county of Morris or Somerset, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Annual statement to be made.

7. *And be it enacted*, That at the annual meeting of the stockholders the board of directors for the preceding year shall exhibit to them a full and complete statement of the company during said term, including an account of all moneys received and from what sources, and of all moneys expended, and to whom and for what purpose or purposes expended, and the salaries and compensations of all officers and agents.

Notice to be given of special meetings.

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

Not to be dissolved by failure to elect.

9. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified in 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.

May construct road.

10. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Morristown, in the county of Morris, to Baskingridge, in the county of Somerset, beginning at a point opposite the residence of Joseph Thompson, on the road now leading from Morristown to Baskingridge, being the terminus of the city limits of "Morristown" on said road, thence along, over and upon the public road leading from Morristown to Baskingridge, to a point on the said road as now laid out opposite the Presbyterian parsonage at Baskingridge, with the privilege to straighten and grade said road, which said turnpike shall be at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be macadamized or shall be sufficiently bedded and faced with stone, shell, 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, maintain and make good and sufficient bridges along the line of said road not less than twenty feet in width, and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side so as to prevent horses and carriages from running off; and the said company may by their officers, agents or persons in their employ, enter from time to time and at all times upon all lands to search for stone, gravel, sand or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road they shall pay to the respective owners of the land over which the same may pass all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said owners and the said company cannot agree upon the amount of said damage, then the damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike road.

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Proceedings when company and

11. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and work-

owners cannot agree

men, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and to take and carry away stones, gravel, clay, sand, earth or other materials therefrom, suitable for making or repairing 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 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 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, or to one of the judges of the court of the common pleas of the county of Morris or Somerset, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, to make publication thereof as he shall direct, for any time not less than 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 and hand seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said lands and materials, and to assess the damages, upon such notice 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 the said commissioners, 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 make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same, and as-

sessment of damages to be paid by the said company for such lands and materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Morris or Somerset, 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 where the said report shall be filed, 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 or materials, after the payment of the value and damages so assessed, and of the right of the said owner or owner to recover the amount of said valuation with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall continue a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the said judge, 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.

May erect gates.

12. *And be it enacted*, That as soon as the said company shall have constructed said road in workmanlike manner according to the several directions in the tenth section and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates and turnpikes across the said road and to demand and receive toll for traveling each mile and all fractions over half a mile of said road at the following rates, to wit:

Rate of toll.

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

and it shall and may be lawful for the tollgatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they

Proviso. shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day, 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.

Mile stones to be erected

13. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause milestones 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 Morristown, 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 painted in large letters, "Keep to the right as the law directs."

Penalty for injury to works.

14. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the milestones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break or destroy or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by an action of debt or other proper action in any court of competent jurisdiction, with costs of suit; and if any person or persons with his, her or their carriage, team or horse turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gate, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for delaying travelers.

15. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and receive more toll than is by this act established, the said company shall for every such offence forfeit and pay the sum of twenty dol-

lars, with costs of suit, to be prosecuted by and recovered for the sole use of the person or persons so unreasonably hindered or defrauded.

Road not to be obstructed.

16. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand side of said road in the passing direction, leaving the other side of the road free and clear for other persons on horseback, carriages, sleighs and sleds 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.

Proceedings when road and bridges are not kept in repair

17. *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 judge of the court of common pleas in the county of Morris or Somerset, he shall immediately appoint by writing three disinterested freeholders of said counties, who shall view the said road and report in writing under their hands and seals, or under the hands and seals of any two of them, whether the said road so complained of be in such a state as the law requires it to be kept, and if the report be unfavorable to said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates and turnpikes to keep open the same until otherwise ordered, and if the keeper shall, notwithstanding the order of the said judge, refuse to open the gate or turnpike, and shall continue to exact toll from 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 judge 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 from said company again to view the said road or bridge, and report as aforesaid their opinion to said judge, 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 tollgatherer, 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 first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the said company, the same fee shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When toll may be taken

18. *And be it enacted*, That whenever the said company shall have completed any three 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 said road, and demand and receive toll for traveling thereon agreeably to the foregoing rates.

When to take effect.

19. *And be it enacted*, That this act shall take effect immediately; that the said company shall not be authorized to enter upon any lands, survey, lay out, construct or make any turnpike until the public highway or highways upon which it may be determined to locate the same shall be vacated according to the provisions of this act.

Limitation of time for vacation of road.

20. *And be it enacted*, That the highway upon which said turnpike road shall be located shall be vacated when three-fourths of the persons owning lands contiguous to and bounded on the highway upon which said turnpike road shall be located shall consent in writing to the construction of said turnpike, and when such consent of said three-fourths of said landholders shall be so obtained, the said highway shall forthwith be deemed to be fully and completely vacated for the purposes of this act, and in the consent of said vacation the purpose shall be expressed which vacation; unless said turnpike road be built and completed from Morristown to Baskingridge in five years from the time of such consent shall become null and void, and in case such owners shall refuse their consent to the construction of said turnpike, then and in that case the said such roads shall be first vacated according to law.

Approved March 27, 1866.

CHAPTER CCCXVIII.

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 Es-

sex, and the township of Rahway, in the county of Union," to the township of Deerfield, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, eighteen hundred and fifty-eight, be and the same are hereby extended to the township of Deerfield, in the county of Cumberland. Provisions of act extended

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

Approved March 27, 1866.

CHAPTER CCCXIX.

An act to incorporate Saint Michael's Passionist Monastery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Dominic Tarlittini, Gaudentius Rossi and Victor Carmuchio, and their successors, being members of the community known as the Passionist Fathers, shall be and they are hereby constituted a body politic and corporate by the name of "Saint Michael's Passionist Monastery," and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, and may purchase and hold property whether acquired by purchase, gift or devise, and whether real, personal or mixed, and may make and have a corporate seal and the same break and alter at their pleasure, and shall have all other rights belonging to similar corporations by the laws of this state. Names of corporators.

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

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 three trustees; the parties named in the first section of this act to be the first trustees, Trustees.

May fill vacancies, &c.

4. *And be it enacted*, That the said 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 monastery, and to fill up vacancies in the board of trustees.

May hold real estate.

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*, that the value thereof shall not exceed the sum of one hundred and fifty thousand dollars.

Confer degrees.

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 colleges in this state.

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

Approved March 27, 1866.

CHAPTER CCCXX.

A supplement to an act entitled "An act to incorporate the Independence Fire Company, Number Three, of Camden," approved March seventh, eighteen hundred and fifty-four.

Corporate name.

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 Independence Fire Company, Number Three, of Camden, shall be known by the name, style and title of the "Independence Steam Fire Engine Company, Number One, of Camden," and by that name shall have succession and enjoy all the rights and privileges, and be subject to all the restrictions granted in or imposed by the act of incorporation to which this is a supplement.

Capital stock may be increased.

2. *And be it enacted*, That it shall be lawful for the said company to increase their capital stock to any sum not exceeding fifteen thousand dollars.

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

Approved March 27, 1866.

CHAPTER CCCXXI.

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

May pay taxes on bonds issued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the authority vested in the mayor and common council of the city of Newark to sell and dispose of any bonds of said city which they are lawfully authorized to issue, shall include power and authority, if in their opinion the interests of the city will be promoted thereby, to assume, by special contract, the payment of the national, state, county and city taxes which may be legally assessed upon the said bonds so to be sold as aforesaid.

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

Approved March 27, 1866.

CHAPTER CCCXXII.

A supplement to an act entitled "An act in relation to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six.

Time of election of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first election for members of the board of commissioners required to be held by the seventh section of the act to which this is a supplement, shall be held in the year eighteen hundred and sixty-seven, and

not in the year eighteen hundred and sixty six, as is therein directed.

Approved March 27, 1866.

CHAPTER CCCXXIII.

An act to amend an act entitled "An act to legalize certain acts of the inhabitants of the township of Tewkesbury, in the county of Hunterdon," approved February twenty-second, eighteen hundred and sixty-five.

Paid volunteers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "paid for any volunteer," or "paid any volunteer," or "paid to any volunteer," wherever they occur in the preamble of an act entitled "An act to legalize certain acts of the inhabitants of the township of Tewkesbury, in the county of Hunterdon," approved February twenty-second, eighteen hundred and sixty-five, be and the same are hereby amended to read "paid volunteers."

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

Approved March 27, 1866.

CHAPTER CCCXXIV.

A supplement to an act entitled "An act to authorize the city of Newark to issue war bounty bonds," approved March twenty-eighth, eighteen hundred and sixty-five.

Preamble.

WHEREAS, it has been ascertained that the portion of scrip issued by the county of Essex for war bounties in the year eighteen hundred and sixty-five, payable in one and two years, is chargeable to the city of Newark in the ratio of seventy-two per centum of the whole amount; and whereas, the whole amount, including interest, is about five hundred and seventy-five thousand dollars; and whereas,

it is deemed advisable by the common council of said city of Newark that a portion of said city's share, namely two hundred and fifty thousand dollars, should be raised by a further issue of bonds of like character and conditions with the bonds issued by said city under and by virtue of "An act to authorize the city of Newark to issue war bounty bonds," approved March twenty-eighth, eighteen hundred and sixty-five; now, therefore,

Powers to issue additional bonds.

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 the Common Council of the City of Newark" to make a further issue of bonds, under their corporate seal and the signature of the mayor of the said city, to be designated "war bounty bonds," for an amount not exceeding two hundred and fifty thousand dollars, 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 less than ten nor more than thirty years from the date hereof 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 mayor and common council to sell or cause to be sold, at public or private sale, for the best price they can obtain for the same and apply the net proceeds thereof towards the liquidation of said city's indebtedness, on account of said county scrip.

Sinking fund.

2. *And be it enacted*, That all the provisions of the third section of the act entitled "An act to authorize the city of Newark to issue war bounty bonds," approved March twenty-eighth, eighteen hundred and sixty-five, including the creation of a sinking fund similar to that therein provided for, are hereby declared to be a part of this act, so far as the same can be made applicable hereto.

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

Approved March 27, 1866.

CHAPTER CCCXXV.

An act to incorporate the Sea View Cemetery of Wall Township, Monmouth County, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Morris Brown, Elisha C. Errickson, Mark Brown, Cornelius Poland, William N. Pearce, Charles Longstreet, Shem Pearce, Andrew F. Rodgers, Pitney Curtis, James H. Green, junior, William L. Brown and Lewis P. Brown, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby ordained, constituted and declared a body politic and corporate in fact and in law, by the name and title of "The Sea View Cemetery."

May hold real estate.

2. *And be it enacted*, That the said corporation shall have power to purchase and hold in fee simple a tract of land not exceeding thirty acres, situate in the township of Wall, in the county of Monmouth, adjoining the highway road leading from the Union Landing to Panther's road, near Squan village, and to hold, occupy and improve the same as a cemetery, and to lay out and divide the said tract so purchased into sub-lots, and to sell and dispose thereof for the purpose of burial, subject to such conditions, regulations and instructions as may be established by the said corporation.

Who may be corporators.

3. *And be it enacted*, That the said corporation shall be composed only of the above named incorporators and others who may be named in the deed of purchase of said cemetery, their heirs and assigns; *provided nevertheless*, that all persons of full age who shall or may be owners of burial lots in said cemetery shall have one vote in the election of trustees of said corporation, or if there be more than one proprietor of any lot, then and in that case such person as a majority of the joint proprietors shall designate; shall cast said vote for each lot so owned by him, her or them.

Proviso.

Election of trustees.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five trustees, the first board shall be composed of the five persons herein first named as incorporators, whose term of office shall continue until the first Monday in July, eighteen hundred and sixty-six, on which day and annually thereafter on such day, at such

place and subject to such regulations as the said corporation shall prescribe, an election for five trustees shall be held, who shall hold their office for one year and until others are chosen in their stead.

Trustees to make by-laws.

5. *And be it enacted*, That the trustees of said corporation shall have power to make and establish all such by-laws for the management of said cemetery, and establish such rules and regulations as they may deem proper and consistent with the constitution of this state or of the United States, and to order and prescribe in what manner conveyances for lots in said cemetery may be executed and made to purchasers; *provided*, the same are duly executed and acknowledged in accordance with the statutes of New Jersey.

Proviso.

Funds of the corporation may be invested.

6. *And be it enacted*, That the said corporation by a majority of votes shall have power, at any time after said association shall have been organized, at a meeting held for that purpose, two weeks notice thereof of the time and place of said meeting having been given in three or more public places in said township by the trustees, to appropriate and set apart such proportion of the proceeds of sale of lots in said cemetery as they shall by their votes determine as a permanent fund, to be used and invested as the trustees shall prescribe, the interest of which alone is to be used for the purpose of keeping up the fences and improvements of said cemetery after all the lots shall have been disposed of; *provided*, said fund shall not exceed the sum of fifteen hundred dollars; at such meeting each stockholder or lot owner in said cemetery to be entitled to one vote for each lot he, she or they may own therein.

Proviso.

May hold real and personal property.

7. *And be it enacted*, That the aforesaid stockholders and lot owners in said cemetery aforesaid shall have privilege and power hereby granted to receive by bequest, gift or otherwise, any real or personal property, which in the aggregate shall not exceed the sum of ten thousand dollars, which shall be held by the trustees aforesaid, their successors or assigns, for said corporation, which said amount shall be funded, and the interest arising therefrom be used in improvements on said cemetery, or in beautifying the same, as a majority of the trustees shall direct.

Fence to be erected.

8. *And be it enacted*, That the said corporation shall cause the said cemetery to be enclosed with a good and substantial fence, and to lay out the avenues and walks thereof as represented upon a map or plan which shall be executed by said trustees of the said cemetery.

Powers and restrictions.

9. *And be it enacted*, That the said corporation shall have all the powers and privileges and be subject to the restrictions, limitations and conditions specified and contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, also an act authorizing incorporations of ruralcemetery associations, approved March fourteenth, eighteen hundred and fifty-one, and that the provisions of the several sections of said acts shall be deemed and taken as part and parcels of this act, so far as the same does not conflict with this act.

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

Approved March 27, 1866.

CHAPTER CCCXXVI.

An act to provide for the assessment and collection of taxes in the county of Burlington.

Ratables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessors of the several townships of the county of Burlington to take an account of the ratable property in the several townships, between the first day of April and the first day of June in each and every year hereafter.

Meeting of assessors.

2. *And be it enacted*, That the said assessors shall meet annually, on the first Tuesday of July, at ten o'clock in the forenoon, at the court house at Mount Holly, and perform the duties required to be done and performed in and by the third, fourth, fifth and sixth sections of the act entitled "An act concerning taxes," approved the fourteenth day of April, eighteen hundred and forty-six.

Meeting of commissioners of appeal.

3. *And be it enacted*, That the commissioners of appeal in cases of taxation, in the several townships of the said county of Burlington, shall convene annually at the usual places of holding town meetings, on the first Tuesday of September, at the hour of ten o'clock in the forenoon, for the purpose of discharging the duties of their office, instead of the second Tuesday of November, as heretofore.

4. *And be it enacted*, That the collectors of the several town-

ships in the county of Burlington shall annually give notice and perform the duties required by the tenth section of the said "Act concerning taxes," on the first day of August instead of the first day of October, as heretofore. Collectors to give notice.

5. *And be it enacted*, That the collectors in the several townships in the county of Burlington, within thirty days after the receipt of the transcript or duplicate of the assessment of taxes in their respective townships, shall demand payment of the tax or sum assessed on each individual in his township, in person or by notice left at his or her place of residence, and also give notice of the time and place of meeting of the commissioners of appeal; and the said collectors shall pay the taxes by them collected, and the fines and forfeitures of them received by virtue of any law of this state to the county collector, by the twenty-first day of October in every year. Duties of collectors.

6. *And be it enacted*, That in case of the non-payment of taxes at the time appointed, the township collectors of the said townships respectively, shall make out a list of the names of the delinquents with the sums due from them, respectively, thereunto annexed, and deliver the same to some justice of the peace of the county on the twentieth day of December in every year, except when that day shall happen on Sunday, and then on the next day following, whereupon it shall be the duty of the said justice to perform the duties required of him by the thirteenth section of the said "Act concerning taxes." Delinquents.

7. *And be it enacted*, That the provisions of the act entitled "An act concerning taxes," approved the fourteenth day of April, eighteen hundred and forty-six, so far as they relate to the county of Burlington, and are inconsistent with the provisions of this act, are repealed. Repealer.

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

Approved March 27, 1866.

CHAPTER CCCXXVII.

An act to authorize the board of chosen freeholders of the county of Hudson to construct a public road from the city

of Hudson, in the county of Hudson, to the Poorhouse Farm, in the township of North Bergen, in the said county.

Preamble. WHEREAS, it is represented that the poorhouse farm in the county of Hudson, and the public buildings thereon, are difficult of access, by reason of the want of suitable roads from Hudson City thereto, and the mode by law of laying out and opening the highways in the city of Hudson, and in the township of North Bergen, are different; therefore,

May construct road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board of chosen freeholders of the county of Hudson to construct a public road from some point in Tonnele avenue, in the city of Hudson, between the tunnel of the Erie Railway Company on the south, and the junction of Tonnele avenue aforesaid on the north, with the Seacaucus road, and from thence in a northwesterly direction to the poorhouse farm, situated in the township of North Bergen, in the said county, which said road shall not exceed one hundred feet in width and shall not be less than sixty feet in width.

Map of road to be made. 2. *And be it enacted*, That the said board or any person or persons by them authorized can enter upon any lands, for the purpose of making explorations or surveys to locate the route of the said road; that the said board shall cause the said road to be located and a map thereof to be made, which said map shall show the courses and distances of the said road, and reference to the most remarkable places and the improvements through which it may pass, which map and location shall be filed in the clerk's office of the county of Hudson; said location and map can be changed, if demed necessary, before said road shall be wholly constructed, so as at certain points or places to change the line or course thereof.

Deed for road property. 3. *And be it enacted*, That after said location and map shall have been filed in the clerk's office aforesaid, it shall be lawful for the said board to receive gifts of lands to be occupied by said road, from the owner or owners thereof, and dirt, earth and materials to be used in the construction thereof; and the said board are authorized to purchase lands, dirt, earth and materials for the purpose of said road and the deeds for such lands can be taken in the corporate name of the said board, or for a public road, street or highway, so

long as the same shall be used for such public road, street or highway.

4. *And be it enacted*, That the expense and costs of laying out and opening the said road shall be raised and paid as follows: one-quarter thereof shall be paid by the said board, and shall be raised by general taxation as county taxes are raised in said county, three-quarters thereof shall be assessed on the lands along or in the immediate neighborhood of the said road, which will be benefited by the laying out and opening the same; and the cost of constructing said road shall be assessed by the commissioners to be appointed by this act. Expense to be paid by tax.

5. *And be it enacted*, That after the said board shall have caused the said location and map to be made and filed in the county clerk's office of the county of Hudson, the lands and materials necessary for the construction of the said road, which shall not have been donated or purchased, can be acquired by assessment to be made by three commissioners in manner following: the said board of chosen freeholders shall cause a public notice to be given by advertisements in one or more newspapers published in said county, to the effect that they will apply to the circuit court of the said county at the court house at a day and hour to be named, for the appointment of three commisioners to assess the expense and cost of acquiring land, laying out and opening the said road, which advertisement shall be published for four weeks before the day named for making such application every day such paper shall be published; the said circuit court on receiving proof of such publication, on the day named, or as soon thereafter as shall be convenient, shall appoint three commissioners residents of the said county, disinterested and impartial freeholders, each of whom shall be sworn or affirmed by any person authorized to administer an oath or affirmation, faithfully and impartially to execute his duties as commissioner under this act; said commissioners shall thereupon designate a day and hour and place when and where they shall proceed to make the assessments and perform the duties in this act authorized; they shall give notice of such time and place of meeting by an advertisement, which shall be published in some daily newspaper in the said county, if such there be, for the period of twenty days prior to the time of meeting, stating in effect that they will at such time and place proceed to make an assessment for the land and materials and damages to be Lands how acquired.

taken and arising from opening said road; said commissioners shall meet at the time and place named, and can adjourn from time to time as occasion may require; they can hear parties and witnesses on oath or affirmation, or without oath or affirmation, orally or in writing; they shall proceed to ascertain as near as practicable, whose lands will be taken by such road, the quantity thereof, the materials and the amount thereof necessary for the construction of the road, the value of such land and materials, and the damages; and after they shall have ascertained such value and damages, they shall, as near as practicable, estimate the amount of such values and damages, and such shall be assessed upon the lands in the vicinity of said road which the said commissioners shall adjudge will be most benefited by opening said road; and said commissioners in making such assessment can, in their discretion, assess upon lands they shall adjudge benefited as aforesaid; said commissioners shall cause a map to be made showing the said road and the lands upon which they shall make the said assessment, distinguishing the lots or parcels of land on which the said assessment shall be made by numbers on the said map; that in making such assessment the said commissioners can take into consideration the benefits which will be received by the residue of any lot or parcel of land of which part may be taken for said road, in the same manuer as to other lands; the commissioners shall report the names of the owners of the lands so to be taken for the said road as far as practicable, the estate of each owner, the quantity of land taken from each owner, the value of the land taken, whose lands they shall adjudge benefited as aforesaid, the amount of the assessment on the said lands benefited, and shall file said report with their map in the office of the county clerk of the county of Hudson; that after the said report and map shall be filed as aforesaid, the said board shall cause a notice to be published, if practicable, by daily insertions in a daily paper, on the usual days of publication, for at least twenty days in some paper published in the said county, that application will be made to the said circuit court for the confirmation of the said report; the said circuit court can confirm the said report in whole or in part, as said court shall adjudge the nature of the case may require, and upon the confirmation of the said report, in the whole or as far as each landholder shall be affected thereby; the assessment shall be a lien on the lands on which the same shall be made,

and the party whose lands and materials shall be required to be taken shall be entitled to the amount awarded to them; said commissioners shall receive each three dollars per day for every day such commissioners shall actually be engaged in performing their duties under this act, to be paid by the said board, and included in the expense of opening said road.

In case of disability money how paid.

6. *And be it enacted*, That the said board, after the report as aforesaid shall be confirmed as aforesaid, shall pay to the owner or owners whose lands or materials shall be required for said road as aforesaid, the amount awarded, and in case the owner or owners cannot be found, be out of the state, or if by reason of infancy, insanity or any other disability, such owner or owners cannot give a proper receipt or acquitance for the said money, then the same can be paid to the clerk of the said county, to be paid over to the person or persons entitled thereto, by the order of the said court, and in the meantime the same can be invested under the order of the said court.

Lien.

7. *And be it enacted*, That as soon as the said assessment shall be confirmed by the said court, the same shall be due and payable and shall be a lien on the lands assessed, and from that time forth shall draw interest at the rate of twelve per centum per annum.

Proceedings in case of appeal.

8. *And be it enacted*, That in case any land owner or the said board shall be dissatisfied with the report of the said commissioners, and shall apply to the circuit court of the county of Hudson, at the next term after the said report shall be confirmed as to such land owner, the said court shall have power to direct a proper issue to the said controversy to be formed between the said parties, and to order a venire to be issued, and the issue to be tried on the same notice as other issues of fact are tried in the said court, and it shall be the duty of the jury to assess the value of the said lands or materials and damages sustained as directed by the said issue, and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then the sum so awarded with costs shall be considered the amount to which such owner or owners shall be entitled to be paid by the said board of chosen freeholders; but if said jury shall be applied for by said owner or owners, and shall find the same or a less sum than was awarded by the said commissioners, then the said cost to be paid by the said owner or owners, and can be deducted out of the sum

awarded; *provided, nevertheless*, the said board can take possession of lands and materials on tender as aforesaid of the amount awarded by the commissioners, subject to such increase if any by the verdict of the jury as aforesaid.

Proviso.

Assessments to remain a lien

9. *And be it enacted*, That any such assessments which shall be assessed or made upon any lands, tenements or real estate, situated in said city and township shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and that if the full amount of any such assessment shall not be paid and satisfied within the time limited and appointed by the report of the commissioners, the said commissioners being authorized to fix such time of payment in their report, either by naming a day specially, or by designating a certain number of days after the confirmation of the said report for the payment thereof, it shall and may be lawful for the said board of chosen freeholders to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such assessment, or the balance thereof remaining unpaid, with interest thereon, and all costs, charges and expenses, and to execute under the common seal of said board a declaration of such sale, to be signed by the director and clerk of the said board, and to deliver the same to the purchaser, and such purchaser, his or her administrators or assigns, shall by virtue thereof lawfully hold and enjoy the said lands, tenements or real estate, for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until his or their said term shall be completed and ended; *provided*, that the said board shall first have caused such sale to be advertised for at least sixty days, in at least one public newspaper printed and published in the said county and generally circulated in the said county, and also by advertisements put up in at least five public places in said city of Hudson and five public places in the said township of North Bergen, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the lands, tenements or real estate, so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person or persons for and on behalf of the owner, mortgagee or claimant

Proviso.

Proviso.

of such lands, tenements or real estate at any time within two years after the sale for assessments by paying to the county collector of the said county, for the use of said purchaser, the said purchase money, together with any other sum paid for assessment which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto, and the certificate of the county collector of the said county stating the payment and showing what lands, tenements or real estate each payment is intended to redeem, shall be evidence of such redemption; the mortgagee shall have power to redeem at any time until after the expiration of the six months' notice hereinafter specified; no mortgagee whose mortgage shall have been duly recorded before sale for any assessment shall be affected by such sale unless six months' notice, in writing, shall have been given to him or her by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him or her at their last known place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed as to impair the lien created by assessment or sale within a month after the service of such notice by the purchaser or by those claiming under him or her; it shall be the duty of the person serving or causing the same to be served to file with the clerk of the said board a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken to be a credible person proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided, also*, that the said term of time for which any land, tenement or real estate, so sold as aforesaid, shall not commence, nor shall said purchaser, or those claiming under him or her, have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided, also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or post- Proviso.

poned from time to time or suspended as the said board may direct; *and provided*, that if any sale of lands, tenements or real estate for assessment, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall and may be lawful for the said board to adjourn the said sale not less than thirty nor more than sixty days; twenty days' notice at least shall be given as aforesaid of said adjourned sale, and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or any part thereof, then it shall and may be lawful for the county collector of the said county to purchase the said lands, tenements or real estate for the benefit of the said board, subject to the same redemption of said lands, tenements or real estate as aforesaid, together with such assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence of all other liens on said lands, tenements or real estate, and no foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of said lands, and on sale of said lands under any such judgment shall be paid out of the proceeds of sale; *provided further*, that a complete record of such assessments shall be kept by the clerk of the said board, which record shall contain the time when such assessments were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale, and to whom sold (and if redeemed, when and by whom).

Proviso.

Proviso.

Act to take effect.

10. *And be it enacted*, That this act shall take effect, notwithstanding anything contained in the act incorporating the mayor and common council of the city of Hudson, or in the act entitled "An act concerning roads," approved April sixteenth, eighteen hundred and forty-six, or any other act, general or special.

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

Approved March 27, 1866.

CHAPTER CCCXXVIII.

A further supplement to an act entitled "An act concerning goats," approved March nineteenth, eighteen hundred and sixty-two.

Provisions of act extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement shall apply to the township of Woodbridge, in the county of Middlesex.

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

Approved March 27, 1866.

CHAPTER CCCXXIX.

An act to authorize the inhabitants of the township of Clinton, in the county of Essex, and state of New Jersey, to raise money on the bonds of said township.

Preamble.

WHEREAS, by an omission in the assessment of the proper taxes in said township of Clinton for the year eighteen hundred and sixty-five, a deficiency has occurred to the amount of four thousand and five hundred dollars; and whereas, said sum is now needed by said township to pay its quota or share of the state and county taxes; now, therefore, in order to enable said township to raise money to meet such deficiency and pay its said quota,

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 township committee of said township of Clinton to borrow, upon the faith and credit of said township, the said sum of four thousand and five hundred dollars, and to execute as security for such loan the bond or obligation of said township in its corporate name, payable one year after the date thereof, and said bond or obligation when so given shall be a legal and valid claim against said township, and shall be paid out of

the moneys to be raised by taxes in said township during the year eighteen hundred and sixty-six.

May issue bonds.

2. *And be it enacted*, That it shall be lawful for said township committee, if they shall deem it best and necessary so to do, to issue in the first instance the bond or bonds of said township, for the purpose of raising said moneys, payable in one year from the date thereof, or sooner, at their discretion, to the extent of said sum of four thousand and five hundred dollars, with interest at seven per centum per annum from the date thereof, and to negotiate or sell said bonds for the highest price the same will bring; but said bonds shall not be so negotiated or sold for a greater discount than ten per centum of the amount thereof.

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

Approved March 27, 1866.

CHAPTER CCCXXX.

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

Preamble.

WHEREAS, residents of other states, in passing through this state with their personal chattels, are liable to attachment at the suit of creditors from other states although by the laws of such other states such personal chattels are not liable to be taken for such debts, therefore,

Proper y exempt.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the personal property of a non-resident of this state, being in this state, shall not be liable to attachment at the suit of a non-resident creditor when the said property is exempt by law of the state of which the said debtor and creditor are residents.

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, and that this act shall take effect immediately.

Approved March 27, 1866.

CHAPTER CCCXXXI.

An act to confirm the title to lands sold by Jonathan S. Williams, administrator of the estate of Lewis S. Williams, deceased.

Preamble. WHEREAS, Jonathan S. Williams, as administrator of the estate of Lewis S. Williams, late of the county of Essex, deceased, in pursuance of the order of the orphans' court of said county, made in the term of October, anno domini eighteen hundred and fifty, did sell, by public vendue, certain lands and real estate situate in said county, whereof the said Lewis S. Williams, died, seized, unto Moses B. Harrison, Enos P. Williams, Nathan Williams and Benjamine Townley and Charles Lighthipe; and in pursuance of the further order of said court, made on the fourth day of May, anno domini eighteen hundred and forty-one, approving and confirming of the said sale, did make and execute conveyances unto the said Moses B. Harrison, Enos P. Williams, Nathan Williams and Benjamin Townley and Charles Lighthipe, for the several tracts of land and real estate by them purchased respectively, and whereas, it hath been alleged that the title to the said lands so conveyed is defective because of certain irregularities in the proceedings of the said administrator, or the said orphans' court; for remedy whereof, and in order to legalize the said sale, and to confirm the title of the said Moses B. Harrison, Enos P. Williams, Nathan Williams and Benjamin Townley and Charles Lighthipe and their respective heirs and assigns to the said lands and real estate so intended to be conveyed by the said administrator as aforesaid; therefore,

Conveyances made valid 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said sale of the said lands and real estate whereof the said Lewis S. Williams, died seized, and so made by the said Jonathan S. Williams, as such administrator, unto the said Moses B. Harrison, Enos P. Williams, Nathan Williams and Benjamine Townley and Charles Lighthipe and the said several conveyances thereof so made unto them, be and the same are hereby confirmed and declared to be valid and effectual in law, and to convey to and

vest in the said several purchasers and their respective heirs and assigns, all the estate, right, title and interest of the heirs at law of the said Lewis S. Williams, deceased, in and to the said lands and real estate at the time of the said sale.

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

Approved March 27, 1866.

CHAPTER CCCXXXII.

Supplement to the act entitled "An act for the Improvement of Somerville," approved the twenty-fifth day of March, eighteen hundred and sixty-three.

May purchase lottery field.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of commissioners of Somerville be and are hereby authorized and empowered to purchase the whole or any part of certain premises called the Lottery Field, mostly lying in common and adjoining said village; *provided*, that by the terms of said purchase the amount of purchase money to be paid therefor shall be raised and made out of and from the re-sale by the said board, of the whole or any part of said premises.

Proviso.

Preamble.

AND WHEREAS, it has been represented that in the year anno domini eighteen hundred and nine, one John Davenport, the then owner of said premises containing one hundred and five and four-tenths acres, more or less, divided the same into lots of less than one-fourth of an acre to each, and did undertake to dispose of said lots by lottery and did thereupon execute deeds to the drawers of the respective lots, many of which deeds were never demanded nor delivered, and of those delivered a large portion thereof were never recorded, and have in the lapse of time become lost and the owners unknown and undiscoverable; and whereas, divers persons have encroached upon said premises, and others, without color of right or title to said premises have built cabins thereon, mostly occupied by persons of color, so that by reason of the premises and of conflicting surveys and locations the same have become of little value and constitute a hindrance to the improvement and growth of said village; therefore,

2. *And be it enacted*, That all suits and proceedings affecting the title to any of said lots as have for more than twenty years past been lying open and in common which may hereafter be brought against any of the said board of commissioners, or the grantees of said board, or any of them, or their or either of their heirs or assigns, by any person or persons claiming to be the grantees of said John Davenport, or the heirs or assigns of such grantees, shall be brought within six years from the date of the conveyance of such lot or lots to the said board of commissioners, and not afterwards; *provided however*, that in the case of infancy or coverture of such claimant and claimants, said six years (as to them) shall not begin to run until said disability shall be removed. Terms in which suit may be brought. Proviso.

3. *And be it enacted*, That the said board of commissioners, after the conveyance to them of said premises, or any part thereof, shall have the right to dedicate such parts of said premises as they may deem proper to the opening and widening of streets and other public uses as they may, from time to time, in their discretion determine and appoint. Rights of commissioners.

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

Approved March 28, 1866.

CHAPTER CCCXXXIII.

An act to incorporate Cape Island Lodge Number Thirty, Free and Accepted Masons, of Cape Island, Cape May county, state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Virgil M. D. Marcy, Alvin P. Hildreth, Samuel R. Ludlam, Joseph Q. Williams, Samuel R. Stites, Samuel S. Marcy and their associates, members of Cape Island Lodge Number Thirty, Free and Accepted Masons, and their successors, be and they are hereby declared to be a body politic and corporate in law, by the name, style and title of "Cape Island Lodge Number Thirty, Free and Accepted Masons," and by that name they and their successors may at all times hereafter be able to sue and be sued, plead and be impleaded, and to have full power to collect Names of corporators.

New Jersey State Library

any debts now due and owing, or which may become due and owing, to said Cape Island Lodge, in any court of law and equity or elsewhere.

May hold real estate.

2. *And be it enacted*, That the said corporation shall and may at all times hereafter be capable of having, holding, purchasing and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; *provided, always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Proviso.

Property vested in directors.

3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a president, vice-president, treasurer, secretary and five directors, who shall be elected annually, at such time and in such manner as the said corporation shall by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

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

Approved March 28, 1866.

CHAPTER CCCXXXIV.

An additional supplement to "An act to provide for the publication of the public laws of this state," approved February sixteenth, eighteen hundred and sixty-four.

Papers to publish.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all laws directed to be published by the act to which this is a supplement, or the supplements thereto, in any of the newspapers published in the city of Trenton, shall be published in the "Union Sentinel," a weekly newspaper published in said city by Charles W Jay, and in the "Patriot," a newspaper published at Bridgeton, county of Cumberland, by Oscar A. Douglass, such laws as are authorized to be published by the other newspapers of Cumberland county, for which publication they shall be en-

titled to receive from the state the same compensation as is allowed the publishers of other newspapers published in said city and county for said work, and this act shall take effect immediately.

Approved March 28, 1866.

CHAPTER CCCXXXV.

An act to incorporate the "New Jersey Commercial and Insurance Union."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James F. Morell, John P. Burnett, junior, Joseph C. Summerill, Thomas B. Miller, William Walton, Dayton B. Whiteker, Ludlam Matthews, Samuel S. Thompson, David S. Blackman, and their associates and successors, are hereby created a body politic and corporate in law by the name and style of the "New Jersey Commercial and Insurance Union," for the purpose of building, or buying and running vessels and carrying on all lawful business incident thereto, and of insuring vessels, cargoes, and other property, 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, vessels, 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 to use a common seal, and to transact their business, hold their meetings, and keep their office and books at any place or places in the county of Camden in this state or elsewhere, as the interests of the corporation may require. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation by subscription shall be one hundred thousand dollars, with the privilege of increasing it to one million dollars, and shall be divided into shares of one hundred dollars each, with an additional dollar on each share to be paid at the time of subscribing, to defray the expenses of organization; said stock shall be deemed personal property, and may be transferred in such manner as the corporation shall by Amount of capital stock

its by-laws direct; stockholders shall be entitled to one vote in person or by proxy for each share held.

3. *And be it enacted*, That no person shall hold less than one full share nor more than one hundred shares, and that the amount of subscription shall be paid when the sum of fifty thousand dollars has been subscribed; *provided*, that thirty days' notice shall be given to the subscribers, and when the amount of subscription is paid the stock so taken shall be declared full stock and not be liable to any further calls.

Proviso.

When company may commence business.

4. *And be it enacted*, That when fifty thousand dollars shall have been paid into the treasury, the said corporation may purchase vessels or tenements, materials, patents or other necessary property, and forthwith commence and carry on its business as contemplated under the provisions of this act; and when one hundred thousand dollars have been subscribed and actually paid into the treasury, the corporation shall have further power; first, to make insurance on vessels, their cargoes or any other property, against loss or damage by fire, storm or other casualties incident to the property insured; and second, to cause themselves to be reinsured when deemed expedient.

Directors to choose a president.

5. *And be it enacted*, That the stock, property and affairs of the corporation, shall be managed by not less than fifteen directors, a majority of whom shall be residents of this state, who shall choose from their own number a president, a secretary and a treasurer; the number of said directors may be increased to thirty or any number less, if the interests of the company require it; said directors shall have power to appoint such other officers, agents and employees, as the by-laws from time to time may designate, the directors shall hold their office until the next annual election, and until others have been elected in their places; annual meetings shall be held at such time and place as may be designated in the by-laws; seven directors, when assembled at the proper place shall form a quorum for the transaction of business, and all questions before said board shall be decided by a majority of votes present; in case any vacancy should occur by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy, by the appointment of any stockholder, until the next annual 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.

Annual statement to be made.

6. *And be it enacted*, That the directors shall submit to the stockholders at their annual meetings a written statement of the affairs of said corporation, setting forth the amount of capital stock paid in, an account of the property held and the amount of money due unto or by said corporation, as nearly as the same may be ascertained.

Compensation of officers.

7. *And be it enacted*, That no director shall receive any compensation for his services as director unless appointed to discharge some special duty requiring an outlay of time or money; the officers shall receive such salaries as from time to time may be designated by the by-laws, and the directors shall have power to adopt such by-laws and regulations as may be necessary for the government of the affairs of the corporation; *provided*, the same shall not be inconsistent with the laws of this state or of the United States.

Proviso.

Policies how executed and attested.

8. *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 the corporation, and shall be subscribed by the president and attested by the secretary, and being so signed, executed and attested, shall be binding upon said corporation, and all such policies may be so made, executed and attested without the presence of the board of directors.

Assigment to be recorded.

9. *And be it enacted*, That if any person, being insured by this 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 for any policy after assignment unless the assignment shall have been recorded in the books of the corporation and the same certified to on such policy by the secretary or by an authorized agent of the corporation.

Action for damages.

10. *And be it enacted*, That any person or persons insured by this corporation may maintain an action at law against the same for claims 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 loss shall have been ascertained and made and the corporation notified thereof; *provided*, that if the directors agree to replace the property lost or damaged in such case, a reasonable length of time shall be allowed them.

Proviso.

Investment of profits.

11. *And be it enacted*, That the profits arising from the business of the corporation (whether pertaining to com-

merce or insurance) shall be invested in vessels or other property necessary to the carrying on of the operations of said corporation, and no dividend shall be declared to the holders of any stock until after the third year from the payment of the subscription for such stock, when an annual dividend of half the profits for each year may be paid; *provided*, the stockholder shall give six months' notice thereof to the secretary prior to the time appointed in the by-laws for closing the books; all profits not thus drawn remain to be invested to the credit of the stockholder; after ten years from the payment of any subscription, the directors may declare such dividends, semi-annually, as shall not diminish the value of the working capital of the corporation nor disparage the interests of any stockholder.

Proviso.

Vessels.

12. *And be it enacted*, That the captains of vessels owned by the corporation shall be selected under such restrictions and governed by such rules as the company by its by-laws may direct.

First directors.

13. *And be it enacted*, That the persons named in the first section of this act shall constitute the first board of directors, and shall serve until the first annual election; and the three first named corporators are the lawful commissioners to receive subscriptions to the capital stock by opening books for that purpose, or otherwise, and they may call the first meeting of the board of directors at such time and place, in this state, as they may deem proper.

Officers and agents to make oath.

14. *And be it enacted*, That each and every officer or agent in the employ of the company shall be required, previous to entering upon the duties pertaining to his office or agency, to subscribe to the following oath or affirmation, before any civil magistrate, or officer of the company already sworn, as may be selected for that purpose, viz: "you do solemnly swear (or affirm) that you will perform the duties pertaining to your office (or agency) faithfully and honestly, and report the same correctly, to the best of your knowledge and ability."

Limitation.

15. *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 or amend the same.

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

Approved March 28, 1866.

CHAPTER CCCXXXVI.

A supplement to an act entitled "An act to authorize the Inhabitants of the township of Hopewell, in the county of Mercer, to vote by ballot at their town meetings," approved March seventh, anno domini eighteen hundred and fifty.

Election of overseer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Hopewell, in the county of Mercer, are hereby authorized and required to elect by ballot at their annual town meetings one overseer of the poor, instead of two, as now provided in the first section of said act.

2. *And be it enacted*, That so much of the first section of the original act above mentioned as is inconsistent with this act is hereby repealed.

Repealer.

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

Approved March 28, 1866.

CHAPTER CCCXXXVII.

A further supplement to the act entitled "An act to incorporate Benevolent and Charitable Associations," approved March ninth, eighteen hundred and fifty-three.

Provisions of original act extended

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 is a further supplement be and they are hereby extended so as to include associations of persons within the limits as to the number of persons in any such association fixed by said act, associated together for the purpose and for the objects, or any of them alone, in and by said act designated, whether the officer or officers of such association be elected by ballot or not, and notwithstanding that there may be no more than one officer of any such association.

2. *And be it enacted*, That upon filing in the office of the

Certificate corporate name to be filed.

clerk of the county in which any such association may be located a certificate, under the hand of the officer or officers for the time being of the association, setting forth the corporate name taken by the association, the association shall thenceforth be a body corporate and politic by that name, and the property of the association shall vest in them as such corporation, and as such corporation the association shall possess and be entitled to all the powers, rights, immunities, liberties and privileges as to purchasing, receiving, taking, holding and conveying property, real and personal and otherwise, which are in and by said act granted unto or conferred upon associations incorporated thereunder.

Appointment of officers.

3. *And be it enacted*, That the officer or officers of any such incorporation may be appointed in the manner in which the constitution or by-laws of the association may provide or in such other manner as may be provided by the organization of the association; *provided*, that nothing in said constitution or by-laws shall be repugnant to the constitution or laws of the United States or of this state.

Proviso.

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

Approved March 28, 1866.

CHAPTER CCCXXXVIII.

An act to authorize and enable the New York Fiber Fur Company to hold lands and real estate in this state.

May hold real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York Fiber Fur company, incorporated under the laws of the state of New York, shall be and the said company is hereby authorized and empowered to receive and hold, in fee simple or otherwise, lands, tenements, hereditaments and real estate, situate in this state, necessary or convenient for the proper transaction of their business, not exceeding fifty acres, and to lease, sell, mortgage or otherwise use or dispose of the interest and estate of said corporation in said lands.

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

Approved March 28, 1866.

CHAPTER CCCXXXIX.

An act to authorize and enable the United States Fiber Felting Company to hold lands and real estate in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the United States Fiber Felting Company, incorporated under the laws of the state of New York, shall be and the said company is hereby authorized and empowered to receive and hold in fee simple, or otherwise, lands, tenements, hereditaments and real estate situate in this state, necessary or convenient for the proper transaction of their business, not exceeding fifty acres, and to lease, sell mortgage or otherwise use or dispose of the interest and estate of said corporation in said lands. May hold lands, &c.

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

Approved March 28, 1866.

CHAPTER CCCXL.

An act to incorporate the New Mount Vernon Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mark Devine, Samuel F. Ware, Richard D. Edmonds, P. Edmond Robinson, and John Henry Smaltz, and their associates and all other persons who shall become subscribers to and 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 in law, by the name of "The New Mount Vernon Hotel Company," who shall have perpetual succession and be capable to take and hold, by lien or absolute conveyance, in fee simple, any such real estate in the county of Cape May, at or near the City of Cape Isiand, as may be expedient or use- Names of corporators.

ful for the erection of a hotel and hotel buildings; to erect thereon such buildings and improvements as they may deem expedient for the accommodation of guests, and to transact all such business as may be incident to the furnishing, conducting or leasing said hotel.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing the same, from time to time, to any sum not exceeding two hundred thousand dollars; said stock shall be divided into shares of one hundred dollars each, to be deemed personal property, transferable only on the books of the company, as the directors may, by by-laws, or otherwise direct, and to be subscribed for and called in as the directors may also from time to direct and prescribe.

Directors to be elected annually

3. *And be it enacted*, That the affairs of the company shall be managed by a board of directors, not less than three or more than five in number, who shall be elected annually, at such times and in such manner as the company by by-laws or otherwise may prescribe, in all elections by the company where balloting is required, each share of stock to entitle the holder, in person or by proxy, to one vote; that the persons hereinbefore named shall be the first directors under this charter, who shall continue in office for one year and until others are chosen in their stead; that in case of failure of the company to meet and elect officers on any day fixed by the by-laws or otherwise, for that purpose, the corporation shall not be dissolved, but a meeting of the company may at any time afterwards be called by any three stockholders, notice whereof shall be published for three weeks consecutively in some newspaper published in the county of Cape May, and circulating in the neighborhood, or in such other mode as may be required by the by-laws of the company.

Dividends.

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 expedient, may supply any vacancy in their own body, by death or resignation, to hold until others shall be chosen in their stead, shall submit annually on or before the first Tuesday of November of each year, to the stockholders a statement of the income and expenditures of the company, and shall not make any dividend except from the net profits of the company.

Repealer.

5. *And be it enacted*, That the legislature may at any time alter, amend and repeal this act, and that it shall go into effect immediately.

Approved March 28, 1866.

CHAPTER CCCXLI.

An act to authorize the inhabitants of the village of Matawan to improve the sidewalks and to lighten and sprinkle the main street of said village.

Improvement of 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 that part of the village of Matawan who are land owners on the line of the main street of said village, between the southerly line of the homestead lot of the late James Lockerman, and the dwelling house of George W. Bloodgood, to improve the sidewalks of said street by grading and paving the same; also to lighten said street and sprinkle the same, and that it may be done as hereinafter provided.

Superintendent of streets and commissioners.

2. *And be it enacted*, That within sixty days after the passage of this act there shall be an election of said land owners held, of which ten days previous notice shall be given by any two of them, and put up at three public places in said village, designating the time and place of such election; and said land owners, or such as may attend, shall, by a majority of votes, elect, viva voce, some suitable person, being a land holder as aforesaid, who shall be called the village superintendent of streets, and three judicious persons, also land owners as aforesaid, commissioners of assessments; said land owners, when so assembled as aforesaid, shall choose a chairman and secretary to conduct said election, receive and count the votes; and their certificate of the election of the persons to the offices aforesaid shall be evidence thereof.

Estimate of cost to be made.

3. *And be it enacted*, That the persons elected commissioners as aforesaid, or any two of them, shall make an estimate of the probable cost of grading and paving the sidewalks where they cross other streets, also the cost of lighting said main street, in the manner in which it is now lighted; also of sprinkling said street between the points hereinbefore indicated, during the months of June, July, August and September of each and every year, respectively, and other expenses incurred under this act, except the cost of paving in front of each owner's land, and shall apportion the amount among the said land owners in proportion to the number of

running feet of land each land owner owns on said street, and the amount so assessed against each land owner shall be paid to said commissioners within sixty days after written demand thereof shall be made by said commissioners; and in case of neglect or refusal said commissioners shall make out a list of delinquents, and place the same in the hands of a justice of the peace of the township of Matawan, who shall issue a precept in the nature of a tax warrant, directed to a constable of said township, who shall proceed to collect the amount due from each land owner, in the same manner as township and county taxes are authorized to be collected by the act entitled "An act concerning taxes;" *provided*, that before said warrant shall issue such justice of the peace shall be satisfied, by the oath of one of said commissioners, that the amount so claimed against any land owners is justly due and unpaid, and that the same hath been demanded or required by this act.

Duty of commissioners.

4. *And be it enacted*, That as soon as said assessment shall be made the said superintendent shall cause the sidewalks of said street to be graded, shall pave the sidewalks when the same cross other streets with such materials and of such width as he shall deem proper, shall procure all necessary materials for the doing thereof, shall make all necessary drains, culverts, and other passages for water, and the expenses thereof shall be paid by said commissioners out of the moneys in their hands collected for that purpose.

Width of pavement.

5. *And be it enacted*, That each land owner shall at his own cost pave not less than five feet wide, with a gradual slope towards the street with good flagging or hard merchantable brick the sidewalks in front of his or her lands, and shall conform to the grade established by said superintendent under whose direction the work shall be done.

Cost of paving how collected.

6. *And be it enacted*, That if any land owner shall neglect or refuse to pave the sidewalks of his or her land aforesaid, within three months after he or she shall be notified by said superintendent to do so, the said superintendent shall proceed to have the same done, and he shall recover, in his own name, the expenses thereof (which shall include the cost of materials, carting and labor), from such land owner in an action of debt before any court having cognizance thereof, and the declaration in any such action may be general, stating that the demand is for so much money paid, laid and expended, in paving the sidewalks in front of his or her land

by virtue of this act, and that the special matters may be given in evidence under it.

Sidewalks to be kept in repair.

7. *And be it enacted*, That after said sidewalks shall be graded and paved as aforesaid, each land owner shall thereafter keep the same in good and sufficient repair in front of his or her lands, and in case of neglect or refusal, said superintendent shall cause the same to be so kept, and the expense thereof shall be by him recovered against such land owner so refusing or neglecting in the manner provided in the next preceding section.

Office of commissioner when vacant how supplied.

8. *And be it enacted*, That said commissioners shall render to said land owners full and detailed statements of all moneys collected and expended by virtue of the provision of this act; and any three land owners may call a general meeting of land owners to have such statement made, by giving four days previous notice of the time and place of meeting, in three public places in said village and also by giving like notice to said commissioners, either personally or leaving a copy at their usual place of abode, to attend such meeting and render such statement; and in case any commissioner shall neglect or refuse to attend and render such statement, his office shall be considered vacant, and some other person being such land owner, shall be appointed by such meeting in his place, and any commissioner for the time being may recover in an action of debt, any moneys remaining unexpended in the hands of such removed commissioner, and which he shall neglect or refuse to pay over to his successor in office.

Lighting streets, &c.

9. *And be it enacted*, That assessments may be made from time to time, as is provided in the third section of this act, for the purpose of keeping said sidewalks, where they cross other streets, in sufficient repair, and for lighting and sprinkling said street as hereinbefore set forth, and that such assessment shall be collected and paid in the manner mentioned in said section.

Grading and paving.

10. *And be it enacted*, That whenever the persons owning land on the streets running parallel with Main street or on any cross street connecting said streets shall determine by a majority of votes (each land owner to be entitled to one vote for every fifty running feet of land owned by him or her on such street, and each land owner to be entitled to one vote at least) to grade and pave any such street; such street shall thereafter be subject to the provisions of this act, and said superintendent and commissioners shall proceed to have the

same graded and paved in the same manner as if such street had been mentioned and included herein; any land owner on such street may call a meeting of land owners under this section, by a written notice put up in three public places in said village, five days previous to the day of meeting and designating the time, place and object of such meeting; and said land owners when assembled, shall choose a chairman and secretary who shall determine the number of votes to which each land owner is entitled, receive orally and count the votes, and their certificate of such determination shall be evidence thereof.

Term of office.

11. *And be it enacted*, That said superintendent and commissioners shall hold their office for one year, or until others shall be elected, unless sooner removed, as herein provided, and that said superintendent shall be entitled to receive two dollars, and said commissioners one dollar per day for each day they shall respectively be engaged in the execution of their office under this act.

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

Approved March 28, 1866.

CHAPTER CCCXLII.

An act to incorporate the South Jersey Institute.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the literary institution to be established in the city of Bridgeton, and in the county of Cumberland, shall be known as "The South Jersey Institute at Bridgeton," and that its sole design shall be to promote the moral and literary education of both sexes.

Names of corporators.

2. *And be it enacted*, That Horatio J. Mulford, James F. Brown, John D. Tustin, Joseph J. Reed, Elisha V. Grover, Josiah D. Rogers, Richard S. James, Robert F. Young, Miller Jones, Arthur G. Thomas, D. Henry Miller, John R. Murphy, Thomas G. Wright, Jonathan F. Leaming, M. D., and Allen J. Hires, shall be and are hereby created, declared and constituted a body corporate and politic, in fact and in name, by the name and style of "The Board of Trustees of the South

Jersey Institute at Bridgeton," and by that name they and their successors, to be elected as herein subsequently mentioned, shall have perpetual succession, and may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever, to have and use a common seal, to confer diplomas or certificates of scholarship, and to purchase, take and have, hold, receive and enjoy any lands, tenements or hereditaments in fee simple, or otherwise, or any goods, chattels, legacies, donations, annuities or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell, or otherwise dispose of, for the purpose of said corporation; *provided*, the yearly income therefrom, exclusive of what may be expended for building purposes, shall not exceed twenty thousand dollars; and the said association hereby incorporated shall succeed to, and is hereby vested with, all the property, rights and privileges intended in this act, and all property acquired by the said corporation shall be used expressly for the benefit of the same. Proviso.

3. *And be it enacted*, That the general management and oversight of said institute shall be vested in a board of trustees, to consist of not less than fifteen nor more than twenty-one persons, one-third of whom shall constitute a quorum for the transaction of business; and said trustees shall be chosen for three years, one-third annually, by the West New Jersey Baptist Association, two-thirds of whom shall be members of regular Baptist churches, holding as articles of faith those set forth in the New Hampshire Confession of Faith; and the said trustees shall hold their offices until their successors are appointed, and the corporation shall not be dissolved on failure to elect trustees. Trustees to be chosen.

4. *And be it enacted*, That the board of trustees shall appoint a president of the board, and a secretary from their own number, and a treasurer, all of whom shall be elected at the stated annual meeting of said board: also the instructors, agents and servants of the institute, all of whom shall hold their offices during the pleasure of the board; it shall be the duty of the board of trustees to advise with the principal and direct in relation to the course of study to be pursued, the government and discipline of the pupils, and in whatever else may promote the welfare of the institute, and the interest of the students; and the said trustees shall organize and hold their first meeting at the call of the trus- Trustees to appoint a president.

tee first named, and shall have power from time to time to enact such by-laws as are not repugnant to the charter or the laws of the state, or of the United States, for the regulation and management of all the interests of said institute; and special meetings of said trustees, shall be called by the president, or by any five or more of said trustees, upon ten days' notice in writing, of the time and place thereof being given or sent by mail to each of said trustees.

Treasurer to give bonds.

5. *And be it enacted*, That the treasurer of the said board of trustees shall, before entering upon the duties of his office, enter into bonds to the said board in such sum as the said board may direct, and at the expiration of his term of office, or as soon as his successor shall be duly elected, shall deliver all books, papers, documents and moneys belonging to said South Jersey Institute to the president of the said board of trustees, to be transmitted to such successor.

6. *And be it enacted*, That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from said corporation; *provided*, the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or writing, whereby any estate or interest was intended to pass to or from said corporation.

Proviso.

Privileges.

7. *And be it enacted* That no person shall be debarred the literary privileges of said institute, on account of his or her religious opinions or denominational peculiarities.

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

Approved March 28, 1866.

CHAPTER CCCXLIII.

An act to incorporate the Hightstown and Cranberry Turnpike Company.

Commissioners to recive subscriptions

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 Hightstown and Cranberry Turnpike Company" shall be opened by Andrew J. Smith, E. T. R. Applegate, George Farr, Peter Bergen, James C. Norris, Nelson Petty, Alfred Perrine, Elias Dye, J. Story Reed, Joseph

McMurran, Olmstead H. Reed, Thomas C. Pearce, Edward H. Rockafellow, William L. Schenck, J. Mount Smith, Samuel J. Bergen and David Applegate, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and such places as they or a majority of them, may direct, giving notice at least twenty days' prior to the opening of said books by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be eight thousand dollars, with liberty for said company to increase the same to a sum not exceeding fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two 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 "Hightstown and Cranberry Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of said company into effect.

3. *And be it enacted*, That at the time of subscribing for said stock two dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installmants, at such times and at such places and to such persons as the president and directors of the company shall from time to time direct or give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that the stockholders shall, upon request, have the right to pay the stock subscribed for, except the first installment, by work upon said road, under such regulations, at such time and upon such notice as the directors may determine.

Limitation of time for subscriptions.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within five years from the time of opening the said books, this act and all the subscriptions under it shall be null and void; and the said commissioners after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscrib-

ers or their representatives in proportion to the sums paid in by them.

Election of directors.

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

Election of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall be a citizen of this state and a resident of the county of Mercer or Middlesex, who shall hold the said 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 stockholders, or in case of his death, absence or inability to do so, 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 in the interval between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident of the county of either Mercer or Middlesex, and all officers, agents, superintendents and other servants that

may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States. Proviso.

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

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

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. Not dissolved by reason of failure to elect.

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 the borough of Hightstown, in the county of Mercer, to the village of Cranberry, in the county of Middlesex, beginning at the line of the borough of Hightstown and running the most direct road to the village of Cranberry, along and across the lands of James C. Norris, or Peter J. Bergen, Samuel J. Bergen, David Ap- May construct road.

Proviso. plegate, and others; *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 the 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 the said company and any of the owners cannot agree upon the amount of the said damage, then the damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her land for the con-

Proviso. struction 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 owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Breadth of road. 12. *And be it enacted*, That the said turnpike road shall be constructed at least forty-six 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 twenty feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of the said road, 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 overset, the said company shall cause 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 the said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the 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 underdrains 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 land or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company 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 Mercer or Middesex, 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 appraisement of the value of the same and assessment of damages to be paid by the said company for such lands and materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the counties of Mercer and Middlesex, to remain on record therein, and shall be recorded by the said clerk, which report or a copy thereof,

certified by the clerks 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 lands or materials, after the payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the said justice, 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 said company.

May erect gates.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or a turnpike across the said road, not exceeding two in number, and to demand and receive toll for traveling each mile, and all fractions of a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent;
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 or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day, 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 mili-

tary officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Mile stones to be erected

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile-stones 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 is from the borough of Hightstown, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid, in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "Keep to the right as the law directs."

Penalty for injury to works.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the milestones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates or turnpikes, such person or persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his, or her carriage, team or horses turn off the said road to pass a gate or gates on private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through such gate, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for delaying travellers.

17. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and 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 the carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds,

on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Bridges and road to be kept in repair.

19. *And be it enacted*, That if the said cmpany 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 counties of Mercer or Middlesex, 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, 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 the 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 a 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 the 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 same 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 person or persons making the complaint; and in case three of the township committee as aforesaid are not disinterested, then the said justice shall appoint, in the same manner as above prescribed, one or more respectable freeholders in the township who may be disinterested, to serve in the place or stead of any member or members of the township committee so disqualified.

When toll may be taken.

20. *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 tollgate across the said road, and demand and receive toll for traveling thereon agreeably to the foregoing rates.

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

Approved March 28, 1866.

CHAPTER CCCXLIV.

A further supplement to an act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, eighteen hundred and sixty-one.

Preamble.

WHEREAS, certain military organizations known during the late rebellion as the tenth regiment of infantry of the New Jersey volunteers, and the first regiment New Jersey cavalry, were mustered into the service of the United States in the year eighteen hundred and sixty-one; and whereas, the said tenth regiment of infantry was not recognized by the governor of this state as a New Jersey regiment until the twenty-ninth day of January, eighteen hundred and sixty-two, and did not receive any such relief from this state as contemplated by the act to which this is a supplement until on and after the said twenty-ninth day of January, eighteen hundred and sixty-two; and whereas, the said first regiment of New Jersey cavalry was not recognized by the governor of this state as a New Jersey regiment until the nineteenth day of February,

eighteen hundred and sixty-two, and did not receive any such relief from this state as contemplated by the act to which this is a supplement until on and after the said nineteenth day of February, eighteen hundred and sixty-two; therefore,

Relief of discharged volunteers tenth reg't.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who enlisted in the said tenth regiment New Jersey volunteers, and were mustered into the service of the United States as members of said regiment previous to the said twenty-ninth day of January, eighteen hundred and sixty-two, and have been honorably discharged therefrom, be and they are hereby declared to be entitled to the relief authorized by the act to which this is a supplement, from the time of their enlistment in said regiment to the said twenty-ninth day of January, eighteen hundred and sixty-two.

First cavalry.

2. *And be it enacted*, That all persons who enlisted in the first regiment New Jersey cavalry, and were mustered into the service of the United States as members of said regiment previous to the said nineteenth day of February, eighteen hundred and sixty-two, and have been honorably discharged therefrom, be and they are hereby declared to be entitled to the relief authorized by the act to which this is a supplement, from the time of their enlistment in said regiment to the said nineteenth day of February, eighteen hundred and sixty-two.

Proof of discharge

3. *And be it enacted*, That the original discharges of the members of the said regiments, or the record, or a copy thereof in the adjutant general's office of this state, duly certified by the said adjutant general, shall be held and deemed sufficient proof that they are entitled to the relief authorized by this act, and upon presentation of such proof the comptroller shall audit such claims, and the treasurer of the state shall pay the same.

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

Approved March 28, 1866.

CHAPTER CCCXLV.

An act to change the name of "The Methodist Episcopal Church of the city of Trenton," certificate of incorporation thereof was filed in Hunterdon county, September first, anno domini eighteen hundred and thirty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Methodist Episcopal Church of the city of Trenton," be and the same is hereby changed to "The Greene Street Methodist Episcopal Church of the city of Trenton," by which name it is hereby constituted a body corporate in law. Corporate name.

2. *And be it enacted*, That all lands and real estate now held by the same, and all bequests made, and now pending, shall be held by the said corporation the same as if the name or title thereof had not been changed; *and further*, that all the legal rights and liabilities of said corporation shall remain the same as if this act had not been passed. Rights and liabilities.

3. *And be it enacted*, That the board of trustees of said church be and hereby are authorized and empowered to sell and convey their parsonage lot with the appurtenances, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that all and every such deed of conveyance shall be good and effectual in law. Trustees may sell and make deed.

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

Approved March 28, 1866.

CHAPTER CCCXLVI.

A act providing for the appointment of State Students to the Agricultural Colleges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the state Board of examiners

how appointed.

superintendent of public schools to serve notice upon the board of chosen freeholders in each of the counties of this state, at their annual meetings, requesting the appointment of a board of examiners in accordance with the eighth section of "An act to establish Public Schools," approved April seventeenth, eighteen hundred and forty-six, and if the boards of freeholders of any county neglect or refuse to appoint examiners as aforesaid, then it shall be the duty of the state superintendent to appoint two or more discreet persons who shall constitute a board of examiners in and for said county, and who shall hold office until the next annual meeting of the board of freeholders for said county.

Duties.

2. *And be it enacted*, That it shall be the duty of the boards of examiners of the several counties, in addition to the duties defined in the "Act to establish Public Schools," as aforesaid, to meet on the second Thursday of August of each year; *provided*, the state superintendent so appoints, and proceed to examine such candidates for state scholarships at the agricultural college as may present themselves, and the candidates shall be subjected to such examination as the faculty of the said college and state superintendent shall prescribe; and the candidates who shall receive certificates of appointment to the agricultural college in any one county, shall be those who obtain the highest average number respecting scholarship; and the number of certificates thus granted shall in no case exceed the number of state scholarships to which such county is entitled.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately; all acts or parts of acts inconsistent with this act being hereby repealed.

Approved March 28, 1866.

CHAPTER CCCXLVII.

A supplement to an act entitled "An act to incorporate the Jersey City Locomotive Works," approved February eleventh, eighteen hundred and fifty-eight, authorizing the said company to build and sell cars and to increase their capital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey City Locomotive Works are hereby empowered in addition to the powers already granted, to make and sell railroad cars, and to increase their capital stock to an amount not to exceed one million of dollars, as the board of directors of the said company may from time to time by resolution determine. May increase capital stock.

2. *And be it enacted*, That when the board of directors of the said company shall determine to increase such capital stock, they shall by resolution declare the amount to which said capital stock shall be increased, not to exceed the limits herein prescribed and also the amount of the installments, and when such installments shall be required to be paid, and when the whole amount of such increased capital stock called for and declared by any resolution of the said board of directors of the said company shall be paid in, a statement thereof shall be made under the oath of the president or the treasurer and a majority of the directors of the said company, which statement shall within three months after the same shall be paid in as aforesaid, be filed in the office of the secretary of state of this state. Statement to be filed.

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

Approved March 28, 1866.

CHAPTER CCCXLVIII.

An act to authorize the Susquehanna and Wyoming Valley Railroad and Coal Company, incorporated by the Legislature of the State of Pennsylvania, to hold lands in the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Susquehanna and Wyoming Valley Railroad and Coal Company, incorporated by an act of the legislature of the state of Pennsylvania, approved April sixth, eighteen hundred and fifty-four, to hold real estate in the counties of Union, Hudson, Somerset, Middlesex, Warren and Hunterdon, in the May hold real estate.

state of New Jersey, for the purpose of carrying on the business, for which the said company was incorporated.

Approved March 28, 1866.

CHAPTER CCCXLIX.

An act to authorize "The Squankum Marl Company" to construct a railroad across the public highway, upon their own lands.

Preamble.

WHEREAS, "The Squankum Marl Company" own marl beds on both sides of the public highway at Manassee Mill, in the township of Howell, county of Monmouth; and whereas, the said company is desirous of extending their railroad track across said highway, and of crossing the same with engines and cars in the transporation of marl,—

May construct track &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Squankum Marl Company" be and they are hereby authorized and invested with all the rights and powers necessary and expedient to construct a railroad track or tracks across the public highway at or near Manassee Mill, in the township of Howell, in the county of Monmouth, upon their own lands, and to run engines and cars thereon in the transportation of Marl and the prosecution of the business of said company, and to use the track now constructed by said company.

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

Approved March 28, 1866.

CHAPTER CCCL.

An act to incorporate the Mercer Pottery Company of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Crozer, Robert L. Hutchinson, Imlah Moore, Frederick Dellicker, and Jonathan Fisk, and their associates, shall be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of "The Mercer Pottery Company of Trenton," for the purpose of manufacturing, selling and dealing in earthenware, crockery of various descriptions, and for that purpose may hold such real estate, water privileges, machinery and effects as may be needful to carry on the said business, or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same. Names of corporators.

2. *And be it enacted*, That the capital stock of the company shall be fifty thousand dollars, divided into shares of fifty dollars each; and the persons named in this act are hereby appointed commissioners to receive subscriptions to said capital stock at such place in the city of Trenton as a majority of them may appoint, giving at least five days' notice in two newspapers published in said city, and as soon as the whole of said stock is subscribed, the said commissioners shall by a like notice call the first meeting of the stockholders for the purpose of organizing said company. Amount of capital stock.

3. *And be it enacted*, That the business of the said corporation shall be managed by not less than three nor more than five directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead, and every year thereafter at such time and place and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote either in person or by proxy, for every share of stock he may own. 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 or of the United States, and may appoint such subordinate officers as the business of General powers of directors.

the corporation may require, and may from time to time call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed at such times and in such proportions as they shall deem proper, under the penalty of the forfeiture of their shares and all previous payments thereon to the said corporation, if such payments shall not be made within thirty days after the day fixed for that purpose, by notice previously served, 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 paid.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferred in such manner as the by-laws may prescribe; but no dividends shall at any time be made to the stockholders except from the net profits of the corporation.

Capital may be increased

6. *And be it enacted*, That the said corporation may from time to time hereafter increase the said capital to any sum not exceeding one hundred thousand dollars, giving ten days' notice of their intention to do so in two of the newspapers printed in Trenton.

Books to be kept.

7. *And be it enacted*, That regular books of account shall be kept in the office of said company, in or near the city of Trenton, to which books every stockholder shall have free access at all reasonable times for the purpose of inspection.

Powers and restrictions.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable; and the legislature may at any time hereafter modify or repeal the same.

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

Approved March 28, 1866.

CHAPTER CCCLI.

An act to incorporate the Newark Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Moses Bigelow, Beach Vanderpool, Thomas B. Peddie, John McGregor, John P. Jube, Peter H. Ballentine, John C. Littell, Adolph Schalk, Thomas T. Kinney, Theodore Runyon, Theodore P. Howell, C. Harrison Condit, William K. McDonald, John H. Stephens, George Peters and Francis Mackin, and their associates and all other persons who shall become subscribers to and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared to be a corporation and body politic and corporate, in fact and in law, by the name of "The Newark Hotel Company," and by that name shall have perpetual succession, and shall have power to have, hold, lease, purchase, sell and convey such real estate in the city of Newark, in the county of Essex, as may be necessary or proper for the erection thereon of a hotel for the accommodation of the public, and such other buildings and improvements as may be adapted to and be connected with such hotel, and the maintaining and management thereof, and to transact all business that may be incident or appertaining to the erecting, furnishing, managing, conducting, leasing or otherwise disposing of such premises, with the buildings and improvements, or any of them thereon, and of the other property of said corporation. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, with the privilege of increasing the same at any time by the vote of a majority of the board of directors to any sum not exceeding three hundred and fifty thousand dollars; said stock shall be deemed personal property, and shall be divided into shares of fifty dollars each, to be transferable only on the books of the corporation, and in such manner as shall be prescribed by the by-laws of the said corporation; each share of stock shall entitle the bona fide holder thereof to one vote, to be given either in person or by proxy at all meetings of the stockholders. Amount of capital stock

3. *And be it enacted*, That the said Moses Bigelow, Beach

Commissioners to receive subscriptions.

Vanderpool, Thomas B. Peddie, John McGregor, John P. Jube, Peter H. Ballentine, John C. Littell, Adolph Schalk, Thomas T. Kinney, Theodore Runyon, Theodore P. Howell, C. Harrison Condit, William K. McDonald, John H. Stephens, George Peters and Francis Mackin, or the majority of them, are hereby constituted commissioners to open books of subscription to the said capital stock at such time and place in said city of Newark as they shall designate by notice to be published for at least one week in some newspaper printed and circulating in said city, and that when one hundred thousand dollars of the said capital stock shall have been subscribed, the said commissioners, or a majority of them, shall call a meeting of the subscribers, giving at least ten days' notice of the time and place of such meeting in manner aforesaid; and when so met, the said subscribers shall have power to choose from their own number, by ballot and by a majority of votes, a board of fifteen directors, to continue in office until the second Monday in January then next ensuing, and until others shall be chosen in their stead.

Powers of directors.

4. *And be it enacted*, That eight of the said directors shall constitute a quorum for the transaction of business, and that the board of directors shall choose from their own number a president, and shall have full power and authority to make, alter and repeal all necessary by-laws, rules and regulations for the transaction of their business and the business of the said corporation, and to prescribe the way in which the subscriptions to the said capital stock shall be paid, and to impose penalties, including forfeiture of stock for non-payment of any installment, for neglect to make such payment in the way so prescribed, and to choose and appoint such officers and agents as may be requisite for the proper management of the affairs of the said corporation, and such officers and agents at pleasure to remove.

Elections when to be held.

5. *And be it enacted*, That the annual election of directors of the said corporation shall be held on the second Monday in January in each year, at such time and place in the said city of Newark as the directors shall appoint, by notice given at least ten days previously in some newspaper printed and circulating in said city; in case of a vacancy or vacancies in the board by death or otherwise, the remaining directors shall have power to fill the same until the next annual election.

6. *And be it enacted*, That the said capital stock shall not,

nor shall any part of the same, be at any time, in any manner, withdrawn from the legitimate business of said corporation or refunded to the stockholders, or any of them, until all the debts and liabilities of the corporation shall have been paid and discharged. Capital stock not to be withdrawn.

7. *And be it enacted*, That the whole amount of the debts which said corporation shall owe at any one time shall not exceed the amount of capital stock subscribed for. Debts.

8. *And be it enacted*, That annually at the meeting of stockholders, to be held as aforesaid on the second Monday in January in each year, the board of directors of said corporation for the time being shall submit to the stockholders a written statement of the condition of the affairs of said corporation, including the amount of capital stock paid in, the amount of all debts existing against the corporation, specifying to whom such debts are due, the receipts and credits of the corporation, which statement shall be verified by the affidavit of the treasurer, and the same shall be filed in the office of the secretary of state of this state. Annual statement to be made.

9 *And be it enacted*, That no dividend shall be paid to the stockholders except only from and out of the surplus profits arising from the business of said corporation. Dividends.

10. *And be it enacted*, That until the profits of said corporation upon their capital stock shall amount to seven per centum per annum, said stock and the property of said corporation shall be exempt from all tax or assessment except state tax. Exempt from tax.

11. *And be it enacted*, That 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," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable. Powers and restrictions.

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

Approved March 28, 1866.

CHAPTER CCCLII.

A supplement to the act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

Division of city.

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 shall have power, by ordinance, to divide all that part of said city of Camden lying southward of the middle line of Bridge avenue and the middle line of the Camden and Amboy Railroad, into two or more districts for the purpose of underground drainage, defining said lines of division.

Construction of culvert or drain.

2. *And be it enacted*, That when ten or more owners of real estate in any one of said districts shall, by petition, ask the said city council to cause an underground drain or culvert to be constructed along any one or more of the streets or highways of said city or parts thereof, within said district, then it shall be lawful for said city council, at its discretion, by ordinance, to direct the construction of such drain or any part thereof, of such dimensions, of such material, in such manner and under such supervision as the said city council may deem fit and proper for the objects petitioned for; but in no case shall any drain be constructed beyond the limits mentioned in the petition, and no such ordinance shall be finally passed by said city council until the petition upon which the same is founded shall have been published in full in two newspapers published and circulating in the city of Camden, at least three weeks, once a week, before the time of such passage.

Costs to be assessed.

3. *And be it enacted*, That the whole costs and expenses of such drain or culvert shall be assessed upon all the lands within such district in proportion to surface or area, including the lands occupied by streets or highways, but excluding such lands as lie more than two hundred feet distant from any street or highway, and also excluding such lands west of Second street as may be covered by the waters of the river Delaware at ordinary high water, the proportion occupied by streets or highways being chargeable to the ward or wards in which such district lies.

4. *And be it enacted*, That an account of the costs and expenses of any such drain or culvert, showing the proportion for which each owner of property and the city (on account of streets) is liable, shall be filed in the office of the clerk of said city council within twenty days after the completion of the same, and such proportion of said costs and expenses shall be a lien on the lands charged therewith from the time of such filing until the same be paid. Lien.

5. *And be it enacted*, That the said city council may order the whole or any part of said costs and expenses to be paid out of any moneys in the hands of the treasurer of said city, and after such payment, may collect the same with interest and costs from the owners and lands so liable, in the same manner as the costs and expenses of paving streets are now collected by said city. Expenses how paid and collected.

6. *And be it enacted*, That the said city council may at its discretion and at the expense of the several wards, construct sub-drains and inlets in the streets for the purpose of facilitating surface drainage. Sub drains.

Approved March 28, 1866.

CHAPTER CCCLIII.

An act to incorporate the Salem Building and Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ebenezer Dunn, William P. Chattin, Francis F. Patterson, John T. Hampton, Henry Hall, Samuel Prior, Joseph Heishon, William Holtz and John P. Bruna, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of "The Salem Building and Land Improvement Company," and by that name shall be capable in law of purchasing, using, holding, letting, improving, disposing and conveying any land, tenements, hereditaments and appurtenances thereto belonging, goods and chattels, and of performing all other acts, necessary or proper for accomplishing the objects of the said corporation hereby Names of corporators.

granted; and may receive and make all deeds, transfers, conveyances, covenants, grants, contracts, agreements and bargains whatsoever necessary for the said purposes.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege, from time to time of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of twenty-five dollars each; but as soon as twenty thousand dollars of said capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall be lawful for said company to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said company to call and demand from the stockholders thereof respectively, such installments, and at such times, and in such proportion, and upon such notice as they shall deem proper not exceeding five dollars on each share at any one time, and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at any time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments made thereon, for the use of said company.

Stock transferable.

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

Election of directors.

4. *And be it enacted*, That the affairs of the said company shall be managed by a board of not less than seven nor more than thirteen directors, to be chosen by the stockholders of the said company annually, at such time and in such manner as by the by-laws of the said company may be directed, and who shall serve for one year and until others shall be chosen in their stead, notice of which said election shall be given previously for two weeks at least, in some newspaper published in the county where said election is to be held; that a majority of said board shall constitute a quorum for the transaction of business; that the said directors shall, from time to time, elect a president out of their body, and shall also elect and employ such other officers as may be convenient and necessary; that said directors may fill vacancies in their own board until the next annual election; and that Ebenezer

Dunn, William P. Chattin, Francis F. Patterson, John T. Hampton, Henry Hall, Samuel Prior, Joseph Heishon, William Holtz and John P. Bruna, shall be the first directors of said company, who, or a majority of them, shall as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead. First directors.

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

6. *And be it enacted*, That this act shall continue for twenty years, and it shall be lawful for the legislature of this state to alter, modify or repeal the same whenever in their opinion the public good may require it. Limitation

7. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations, approved February fourteenth, eighteen hundred and forty-six, so far as applicable. Restrictions and liabilities.

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

Approved March 28, 1866.

CHAPTER CCCLIV.

An act to relieve the sheriff of Mercer County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sheriff of Mercer county shall be entitled to receive the sum of two dollars and no more, for transporting from the Mercer county jail to the state Fees for transportation.

prison, each and every person sentenced to hard labor and imprisonment upon conviction in the said county.

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

Approved March 28, 1866.

CHAPTER CCCLV.

An Act to incorporate the Cohansick Cemetery Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Horatio J. Mulford, Robert C. Nichols, Providence Ludlum, John T. Nixon, Alphonzo Woodruff, Joel Fithian, Charles C. Grosscup, Joseph Burt, Enoch Hanthorn, David P. Mulford, Jacob Kienzle, Jacob Betchuer, Robert Seeley and James B. Ferguson and such other persons as shall hereafter become associated with them, be and they are hereby made and constituted a corporation and body politic, by the name of "Cohanset Cemetery," and by that name shall have perpetual succession for the purpose of establishing, continuing and improving a cemetery or place for the burial of the dead, in or near the city of Bridgeton, in the county of Cumberland, in this state; and for that purpose the said company may purchase and hold lands not exceeding forty acres, and inclose, survey, lay out and divide the same into lots, roads, paths and avenues, and erect and construct a chapel, vault, sexton's house, and other improvements thereon, and otherwise ornament the same and sell and dispose of lots therein only for the burial of the dead, and to make and execute to the purchasers good and sufficient deeds therefor, under the common seal of said company, upon such conditions, limitations and restrictions, and with such powers and privileges as may be inserted in said deeds, and subject to such rules and regulations as may be made or provided by the by-laws of said company.

Number of directors.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of directors, consisting of seven members, with power to choose from among themselves such officers as may be deemed necessary and expedient.

3. *And be it enacted*, That there shall be an annual elec-

tion of directors on the second Tuesday in April next, and on the second Tuesday in April of each year thereafter, at such hour of said day and such place, and upon such notice as shall be ordained by the by-laws or otherwise appointed by said company; and the board of directors shall appoint the judges of such elections; but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the 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 shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected 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, to serve until the then next annual election of directors, and until another shall be appointed in his stead, and also a secretary, treasurer, and such other officers and agents as may be deemed necessary and proper. Election of directors.

4. *And be it enacted*, That no roads or streets shall hereafter be opened through the lands of said corporation except by consent of the board of directors; and the cemetery lands and property of said company, together with the burial vaults and lots, and other erections and fixtures in said cemetery, shall not be subject to any assessments, taxes or fines, or liable to be seized upon, distrained, sold, or otherwise subject to any process of tax whatsoever, except for incumbrances existing at or previous to the passage of this act. Not subject to taxation.

5. *And be it enacted*, That any religious society, and also any association of persons for benevolent purposes, within the county of Cumberland, may purchase and hold lots in said cemetery, in which they may bury agreeably to their peculiar rites or ceremonies, subject only to the rules and regulations of said cemetery. Socities may hold lots

6. *And be it enacted*, That any person or persons who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, building or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornament thereof, or of any lot or plot within such cemetery, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of such cemetery, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in action of trespass, to be brought in all such Penalty for injury to proper y

cases in the name of the corporation, and to pay all such damages as shall have been occasioned by his unlawful act or acts, such money, when recovered, shall be applied by the managers to the reparation or restoration of the property so destroyed or injured.

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

Approved March 28, 1866.

CHAPTER CCCLVI.

A further supplement to an act entitled "An act to incorporate Telegraph Companies," approved March fifth, eighteen hundred and fifty-three.

Companies may consolidate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any telegraph company chartered under the provisions of the act to which this is a supplement, or by any other act of this state, may connect and consolidate with any other incorporated telegraph company, whether chartered by, or existing under a law of this state, or of any other state; and may upon such consolidation, by resolution of its board of directors, change its name, which change of name shall take effect on filing a copy of such resolution, certified under its corporate seal, in the office of the secretary of state of this state; *provided* that neither such connection, consolidation or change of name shall effect the obligations or debts of said company, or the process for their enforcement, or liens upon its property.

Proviso.

Amendment

2. *And be it enacted*, That section fourth of the act to which this is a supplement, shall be amended by adding the words "free of charge" after the word "business," in the eleventh line of said section.

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

Approved March 28, 1866.

CHAPTER CCCLVII.

An act to incorporate the Arkwright Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin T. Prall, James R. King, Charles Danforth, Jacob I. Blauvelt and William Gledhill, and their associates and successors be and they are hereby created a body politic and corporate, by the name of "The Arkwright Manufacturing Company," for the purpose of manufacturing cotton, and buying and selling all goods, wares, merchandise and property of every kind and description required in the business authorized by this act, with power to lease, mortgage or otherwise dispose of the same or any part thereof. Names of corporators

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property; and it shall be lawful for the said company to issue certificates of shares in full or part payment for any personal or real estate purchased or leased by said company for the purposes of their business aforesaid. Amount of capital stock

3. *And be it enacted*, That the property and affairs of this company shall be managed by a board of directors of not less than three nor more than seven stockholders, as the by-laws shall prescribe, a majority of whom shall be residents of the state of New Jersey, and said board shall organize by appointing one of their number president, and also by appointing a secretary and such other subordinate and necessary officers as they may deem necessary and proper. Powers of directors.

4. *And be it enacted*, That the said company shall carry on its business of manufacturing in the city of Paterson, or elsewhere in the county of Passaic, at the discretion of the directors, and that the amount of capital stock may be increased from time to time by order of the board of directors, but shall at no time exceed the sum of four hundred thousand dollars, and that the stock shall be transferable in such manner as the by-laws of the company shall appoint; and that the directors and the president shall hold their respect- Place of business.

ive offices for one year and until others are legally appointed in their stead.

Elections for directors.

5. *And be it enacted*, That elections for directors shall be held at such place in the city of Paterson as the board of directors or their by-laws shall from time to time designate, and that the first board of directors shall hold office until the first Monday of June, in the year of our Lord one thousand eight hundred and sixty-six; that the first election shall be held at the time appointed by the commissioners, and that succeeding elections shall be held on the first Monday in June of each year thereafter.

Commissioners to receive subscriptions.

6. *And be it enacted*, That the persons above named shall be commissioners to receive subscriptions to said capital stock at such times and places in the city of Paterson as a majority of them shall appoint, giving ten days' previous notice to that effect in one or more of the newspapers published in said city; and when one hundred shares of said stock shall be subscribed for and ten dollars on each share so subscribed for paid to said commissioners, they shall call a meeting of the subscribers to said stock for the purpose of organizing the company, and when the company is organized said commissioners shall deliver to the president of the company all moneys, books and papers in their hands as such commissioners.

Powers of directors

7. *And be it enacted*, That a majority of the board of directors shall have power to transact all the business of the company; to call in installments on stock subscribed for in such amounts and at such times as they may direct, giving to each subscriber twenty days notice thereof either personally or by publication in one or more of the newspapers published in the city of Paterson, and also to forfeit to the said company all shares upon which default in paying installments shall arise and all previous payments thereon, whether the same be of the capital herein specified or the increased capital authorized by this act.

May commence business.

8. *And be it enacted*, That when fifty thousand dollars of stock shall be paid for according to the provisions of this act it shall be lawful for the said company to begin and prosecute the said business of manufacturing cotton under this act.

Limitation.

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

Approved March 28, 1866.

CHAPTER CCCLVIII.

A further supplement to an act entitled "An act to revise and amend the Charter of the Town of Bergen," approved March twenty-fourth, eighteen hundred and sixty-four.

Appropriation for bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a further sum of four thousand dollars be appropriated towards the completion of the bridge known as the Lafayette Bridge, across the Morris canal, where the same intersects Washington avenue, in the ward known as Communipaw ward, in the town of Bergen, and in the county of Hudson; *provided, however*, that the councilmen of said town of Bergen are hereby authorized to issue bonds of said town, with coupons attached, under the corporate seal, for not exceeding the further sum of four thousand dollars, the principal money of said bonds to be made payable in the sums of one thousand dollars each, and to fall due respectively in the years eighteen hundred and eighty-one, eighteen hundred and eighty-two, eighteen hundred and eighty-three, and eighteen hundred and eighty-four, with interest thereon at the rate of seven per centum per annum, payable half yearly; and when the said sum is expended for said purpose as hereinbefore stated, the councilmen shall apply so much of said bonds or the proceeds thereof in the payment of such expenses incurred in such repair of said bridge *provided, however*, that a full and complete statement of said expenses shall have been filed with the clerk of town council, and it shall be the duty of said councilmen to impose annually a tax on the real and personal property located in the school district, lying east of the Morris canal, sufficient to pay the interest on said bonds, and the expenses of issuing the same, and also in the years when the said bonds fall due, to impose a tax on the said real and personal property in the said school district to pay the principal money of any maturing bond, which said taxes shall be imposed, levied and collected in the same manner as other taxes in said town are by law levied and collected.

Proviso.

Proviso.

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

Approved March 28, 1866.

CHAPTER CCCLIX.

An act to incorporate the North and South Camden Passenger Railroad Company.

Names of corporators.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Albert W. Markley, George M. Robeson, Samuel J. Bayard, James M. Scovel, Henry Allen, James B. Dayton, Alfred Hugg, James W. Cassady, James H. Stevens, William Hanna, Alden C. Scovel, Ebenezer Westcott, Samuel H. Grey, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained and constituted and declared a body politic and corporate in fact and in law, by the name of the "North and South Camden Passenger Railroad Company," and shall be capable of purchasing, holding and conveying lands, tenements, goods and chattels, necessary or proper for the object of the said corporation.

Amount of capital stock

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

Election of directors.

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, in the city of Camden, as they or a majority of them think proper, giving at least twenty days notice of the same in one of the newspapers published in the city of Camden, and at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them, and as soon as twenty-five thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of the city of Camden, 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 capi-

tal 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 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 the city of Camden; 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.

Not dissolved by failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors should be not made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner provided by law in such cases, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Powers of directors.

5. *And be it enacted*, That three directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments, and at such times as they may direct, and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of the said 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 also to the president, as to the board shall appear proper.

6. *And be it enacted*, That the said company shall have

May construct road.

power and authority to construct a railroad, with one track, to commence at Kaign's point avenue and Fourth street, and thence northerly along Fourth street to Line, thence easterly along Line street to where it intersects with Fourth, thence northerly along Fourth street to Federal street, thence westerly along Federal street to Second street, thence northerly along Second street to Vine street, thence westerly to Front street, thence southerly along Front street to Federal street, thence easterly along Federal street to Second street, thence southerly along Second street to Kaign's point avenue, thence easterly along Kaign's point avenue to Fourth street, the place of beginning; *provided*, the right to construct the said railroad through any of the said streets shall not rest in the said corporation until the consent of the city council of the city of Camden shall be first had and obtained;

Proviso.

Proviso.

and provided, further, that said railroad shall be on the level of the said streets, and shall be made in the best and most approved manner, and so as not materially to interfere with or obstruct the travel thereon.

Width of track.

7. *And be it enacted*, That the track laid by the said company shall be the same width as the wagon track now established by law, and said track and rails, shall in all cases, be laid level with the surface or face of the streets through which the same may pass, and in conformity with the grades of said streets, as the same now are or hereafter may be established by the city council, so that said railroad shall not present any unnecessary obstructions to, or in any way interfere with wagons or vehicles turning or crossing said streets; *and further*, that the said company shall pave between the rails of their track or tracks, turn-out or turn-outs, and for two feet on the outer side of said rail, which pavement, tracks and turnouts shall be laid in conformity with the ordinances of the said city, and under the supervision of the city council; and that the said company shall, at all times, and in all things, be subject to the provisions of the charter and ordinances of the city now being or hereafter to be in force; and when required by the city council, shall pay such tax per car to the city as shall be directed, not exceeding one dollar per month for each car.

May hold real estate.

8. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any other place or places in the city of Camden, not exceeding two acres at each place, or five acres in the aggregate, and may erect and build thereon

houses, warehouses, stables and machine shops, and such other buildings and improvements as may be necessary for the carrying on the objects of their incorporation.

Dividends.

9. *And be it enacted*, That the president and directors of said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

Rates of transportation.

10. *And be it enacted*, That the president and directors of said corporation shall have power to have constructed, or to purchase with the funds of said corporation, all such machinery, horses, cars, wagons, carriages, or other vehicles, for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable and expedient, or right, (but no steam power shall be used as a motive or propelling power on said railroad, except that known as the dummy engine,) and they are authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon, as they may think reasonable and proper; *provided*, that not more than five cents per mile shall be demanded or received for conveying any person from one point to another on said road.

Proviso.

Penalty for injury to works.

11. *And be it enacted*, That if any person or persons shall wilfully, maliciously, impair, injure, destroy or obstruct the use of said railroad, or any of its necessary works, carriages, animals or machines, such person or persons shall forfeit and pay therefor to the said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

May borrow money.

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation at a rate of interest not exceeding seven per centum per annum.

Limitation of time for constructing road.

13. *And be it enacted*, That the office of said company shall be in the city of Camden, and if the said railroad shall not be commenced within two years and be completed within five years from the fourth day of July next ensuing, then and in that case this act shall be void; 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," approved the fourteenth day of February, in the year of our Lord, one thousand eight hundred and forty-six.

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

Approved March 28, 1866.

CHAPTER CCCLX.

An act to incorporate the Matawan Towpath Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Gordon D. White, Lawrence Cartan, David H. Wyckoff, William Spader and William W. Disbrow, of the county of Monmouth, and such persons as may hereafter be 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 Matawan Towpath Company."

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be two thousand dollars with the privilege from time to time of increasing the same to any sum not exceeding five thousand dollars, divided into shares of twenty-five dollars each, each stockholder being entitled in person or by proxy to as many votes as he or she holds shares of stock, which shares shall be deemed personal property and transferable in such manner as the said company by its by-laws may direct; that ten dollars on each share of stock shall be paid at the time of subscribing, said stock to be subscribed for and further paid in at such time and in such installments as the directors may from time to time appoint and direct.

First directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than three nor more than five in number, shareholders of said company, who shall be chosen annually at such time and place in the county of Monmouth in such manner and upon such notice as the by-laws of such company shall direct, who shall serve for one year and until others are chosen in their stead, and that Gordon D. White,

Lawrence Cartan, David H. Wyckoff, William Spader and William W. Disbrow, shall be the first directors of the company under this charter, to continue in office until others are elected and appointed in their stead; that the directors of said company shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient, fill vacancies in their own board until annual election, collect installments on stock when called for or declare the [stock] forfeited, and all previous payments thereon in case of non-payment when duly called for if they deem it expedient.

May construct towpath.

4. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a towpath from the northerly edge of Gordon D. White's dock, in the township of Matawan, in Monmouth county, to the southerly side of Mohingson creek at or near the mouth thereof, with the privilege of bridging said Mohingson creek, and extending the said towpath to the southerly side of John Cuttrell's dock, which said towpath shall be constructed along the easterly side of Matawan creek, and shall not exceed twenty feet in width; *provided*, that before the said company shall construct the said towpath aforesaid, along Matawan creek aforesaid, they shall pay to the respective owners of the lands over which the said towpath shall pass who shall not consent in writing to the construction of said towpath over his or her lands all damages which the said owners will sustain by reason of the construction of the said towpath; and in case the said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined in the manner hereinafter provided; *provided, also*, that the said company shall have power to take only the right of way over the lands whereon the said towpath is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereinafter named, if appointed shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Proceedings when company and owners cannot agree.

5. *And be it enacted*, That it shall be lawful for the said company, their agents and all persons employed by them, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary tools and implements, to enter upon all lands contiguous or near to the said towpath, doing as little damage thereto as possible, and to make all ditches and underdrains across and through such lands as are necessary for the proper draining of said towpath,

and if the said company or their agents and the owner or owners of such land or material cannot agree as to the price of the same it shall be the duty of any justice of the supreme court, or any judge of the court of common pleas of the county of Monmouth, upon application of either party, and after six days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial and judicious freeholders, residents of this state, commissioners to assess the price or value of such lands as may be required by said company, and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall before they enter upon the duties of their appointment, be duly qualified according to law, faithfully and impartially to execute the duties thereof, and after six days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties, and evidence if desired, and thereupon make such decision or award as to them may appear just and equitable, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county of Monmouth, to be by him filed as a public record, and certified copies taken if desired by either party; and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon said lands, as have been appraised as aforesaid, and when by reason of any legal incapacity or the absence of the owner or owners of such land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any awards made in behalf of any such persons by commissioners appointed as aforesaid into the court of chancery to the clerk thereof, subject to the order of said court for the uses of the said owner or owners.

May receive toll.

6. *And be it enacted*, That as soon as said company shall have constructed said towpath according to the direction of this act, and the true meaning and intent thereof, it shall and will be lawful for them to demand and receive of the captain, owners, or person or persons in charge of each vessel making use of said towpath, toll for each time they shall make use thereof, not exceeding the following rates, to wit:

Rates of toll.

For every vessel under one hundred tons burthen, two dollars and fifty cents;

For every vessel of the burthen of one hundred tons and upwards, not exceeding two hundred tons, three dollars and fifty cents;

And for every vessel exceeding two hundred tons burthen, four dollars.

7. *And be it enacted*, That this act shall be taken and construed to be a public act, and that the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations." Restrictions and liabilities.

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

Approved March 28, 1866.

CHAPTER CCCLXI.

Suppplement to an act entitled "An act to incorporate the Great Maple Swamp Draining Company," approved February twenty-two, anno domini eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when owners and possessors of land lying within the bounds of said swamp shall neglect or refuse to pay the managers' assessments thereon, after due notice according to the act to which this is a supplement, then it shall be lawful for the said company, by their managers, to seize and sell at public vendue (after ten days' notice, set up in three of the most public places in the neighborhood of said swamp), the wood, grass, pasture, herbage or other vendible property thereon, sufficient to make the amount of the assessment and cost of sale; and if the vendible property thereon should not be sufficient to make the amount required, then the said company may proceed to recover the same as provided in the fifth section of the act to which this is a supplement. May sell land to pay damages.

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

Approved March 28, 1866.

CHAPTER CCCLXII.

A supplement to the act entitled "An act relative to the Probate of Wills from other or foreign states."

Foreign wills recorded to be taken in evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any will which shall have been admitted to probate in any state or territory of the United States or the District of Columbia, or in any foreign state or kingdom, and any person shall desire to have the same recorded in this state, for the purpose of making title to lands or real estate in this state, it shall be lawful for any surrogate of any county in this state, upon an exemplified copy of such will being filed in his office, and proof made that such will is exemplified and attested as a true copy in the manner required by the laws of this state, district or territory in which such will shall have been admitted to probate, to make it legal evidence in such state, district or territory, to record such will and file the said copy in his office, and any such will upon being so recorded, shall have the same force and effect in respect to all lands and real estate therein devised, as if the same had been admitted to probate in this state, and such record or certified copies thereof shall be received in evidence in all courts of this state.

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

Approved March 28, 1866.

CHAPTER CCCLXIII.

A further supplement to an act entitled "An act to incorporate the City of Salem, approved February twenty-fifth, eighteen hundred and fifty-eight.

Powers of marshal and police.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the marshal, police officers and constables of the said city of Salem, are hereby empowered

to arrest and take into custody without warrant, any offender or offenders against the laws and ordinances of the said city or any person or persons disturbing the peace or quiet of the said city, and to carry such offender or offenders immediately before the mayor or one of the justices of the peace resident in said city, who are hereby empowered and authorized to hold courts and take cognizance of all such offences, which said courts so held shall be courts of record, or in case the said arrest shall be made during the night or the Sabbath day, or when the mayor, justices of the peace, or either of them, cannot hear the same or hold such courts, to confine such offender or offenders in the common jail of the county of Salem, or in some other safe and convenient place in said city until the day following, or until such time as the same can be heard, and then without unnecessary delay, carry such offender or offenders before the mayor or any justice of the peace aforesaid; or the mayor or any one of the said justices of the peace may arrest and apprehend any such offender for offences committed in their presence, or upon complaint made in writing under oath or affirmation, the said mayor or justices may issue a warrant directed to the marshal or one of the constables or police officers of said city, or any or either of them, commanding such officer to take such offender or offenders and bring him, her or them forthwith before such person issuing the warrant, or the said mayor or justices of the peace aforesaid, or either of them, at his discretion, may issue a summons commanding the said offender or offenders to be and appear before the said mayor or justice as the case may be, at a fixed time therein mentioned, in the name of "The city of Salem," and when any such offender or offenders shall be arrested or brought or appear before any such mayor or justice of the peace, as the case may be, to proceed in a summary manner to hear and determine the same, and punish the offender or offenders, and if he, she or they, as the case may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant commanding the officers aforesaid, or one of them, to convey such offender or offenders, as the case may be, to the common jail of the county of Salem, there to remain until the term of his, her, or their imprisonment shall have expired and the costs of the conviction be paid, and in case the said offender or offenders shall be sentenced to pay a fine therefor, the said mayor or justice of the peace, as the case may be, either to order the offender or offenders to be

committed to the jail aforesaid until the fine and costs are paid, or to issue a warrant directed to the marshal or one of the constables or police officers of said city, to any or either of them commanding said officers to levy and make such fine and costs of the goods and chattels of such offender or offenders, and for want of sufficient goods and chattels to take and convey such offender and offenders to the jail aforesaid, there to remain until such fine and costs be paid or satisfied, which said fine when paid or collected shall be paid over unto the treasurer of the said city unless otherwise directed by the city council; *provided, always*, that any such offender or offenders convicted as aforesaid may appeal to the city council upon such terms and conditions as the said city council may by ordinance prescribe and impose, but such appeal shall be made within twenty days from such conviction.

Proviso.

To prevent dogs running at large.

2. *And be it enacted*, That the common council of said city shall have full power to pass such ordinances as they shall judge proper for regulating and preventing the running at large of dogs and bitches in the said city, and to enforce the same either by fine or by causing the said dogs or bitches found running at large to be impounded or summarily destroyed.

Publication of ordinances.

3. *And be it enacted*, That the books of record of the ordinances and by-laws of the said common council shall be taken and received as evidences of the due passage by the common council of all ordinances and by-laws recorded thereon; and further, that the publication by authority of the city ordinances and by-laws in a volume or pamphlet form, shall in a like manner be taken and received as evidence of the due passage thereof, and that the publication of the said ordinances and by-laws according to law shall in all cases be presumed until the contrary be made to appear.

To take effect.

4. *And be it enacted*, That so much of the said act to which this is a supplement, and all other acts as may conflict with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 28, 1866.

CHAPTER CCCLXIV.

An act to authorize the inhabitants of the township of Manchester, in the county of Passaic, to raise money by the assessment of a special Poll Tax.

Preamble. WHEREAS, the said township is burdened with a debt created by the payment of bounties, in filling the quotas assigned thereto, upon the call of the government for troops in the suppression of the late rebellion; and whereas, it is desirable that such burden should be borne equally, as near as may be, by all the inhabitants thereof; therefore,

Duty of assessors. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for and it is hereby made the duty of the assessor of the said township of Manchester to assess yearly, until such indebtedness shall be paid, in addition to any other assessment for that purpose he may be required by law to make upon, and the collector thereof to collect from such person in the said township of Manchester, except females, liable to poll or other tax for township or county purposes, a special poll tax of five dollars, which tax shall be assessed and collected at the time and in the manner as other taxes in the said township are assessed and collected.

Duty of collector. 2. *And be it enacted,* That it shall be the duty of the said township collector, or other officer who may be authorized to collect said special poll tax, to pay the same to the said township committee, and which shall be by said township committee inviolably applied to the payment and liquidation of such indebtedness, and to no other purpose.

3. *And be it enacted,* That all acts or parts of acts inconsistent herewith are hereby repealed.

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

Approved March 29, 1866.

CHAPTER CCCLXV.

An act to incorporate the General Morgan Lodge, Number Ninety-six, of the Independent Order of Odd Fellows of the State of New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles H. Sweet, John Heath, George Applegate, Gamaliel Disbrow, Sylvanus Cummings, Matthew B. Dey, William Mathias, Aaron Stilwell, James Watson and William Furmin, and their associates, officers and members of General Morgan Lodge, Number Ninety-six, of the Independent Order of Odd Fellows of the State of New Jersey, and their successors, be and they are hereby constituted and declared to be a body corporate and politic, in law, by the name, style, title of General Morgan Lodge, Number Ninety-six, of the Independent Order of Odd Fellows of the state of New Jersey, and by that name they and their successors, shall and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons body incorporate or politic, capable of making the same, and also to have a common seal and use the same at pleasure, and also to sue and be sued; *provided always*, that the said corporation or body politic, shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Proviso.

Approved March 29, 1866.

CHAPTER CCCLXVI.

An act to incorporate the Elizabeth and Union Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward G. Brown, Amos Clark, jr.,

William F. Day, Jacob Davis, John O. Magie, Samuel Bonnell, John H. Howland, David Mulford, D. D. Buchanan, William A. Coursen, A. D. Mulford, Samuel M. Clark, Henry Smith, and such other persons as may hereafter be associated with them, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Elizabeth and Union Railroad Company," with a capital of twenty-five thousand dollars, with the privilege to increase the same to fifty thousand dollars, to be divided into shares of fifty dollars each, to be deemed personal property, and transferable in such manner as the corporation by their by-laws shall direct, and that said corporation shall be capable of buying, holding and conveying any lands, tenements, goods and chattels, necessary or proper for the purposes of said corporation, under this act, and shall have power to have constructed, or to purchase, with the funds of said corporation, all such machinery, horses, cars, wagons, or other vehicles, for the transportation of persons, or any species of property, on said railroad, as they may think fit, reasonable, expedient or right, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property thereon, as they from time to time may think reasonable and proper; *provided*, that not more than five cents per mile shall be demanded or received for conveying any person from any one point to another on said road, and they are hereby authorized to arrange a system of transfer of persons or property to and from their said railroad with any other railroad or railroads now built and running, or to be built hereafter. Proviso.

2. *And be it enacted*, That the persons above named, or any five of them, shall be commissioned to open books and receive subscriptions to the capital stock of the said corporation, at some public place in the city of Elizabeth, and at such time or times as they or a majority of them think proper, giving at least ten days public notice in one or more of the newspapers printed and published in said city of Elizabeth, and prior to the day fixed for the opening of said books, and that ten per centum of each subscription shall be paid by subscribers to said commissioners at the time of subscribing for the same, that as soon as ten thousand dollars of said stock shall have been subscribed, said commissioners shall give like notice of an election for five directors of said corporation (all of whom shall be residents of the said county of Union, and own not less than ten shares of the stock of said corporation) by the stock- Election of directors.

holders of said company, which election shall be held at a time and place to be fixed by said commissioners, by such of the said stockholders as shall attend for that purpose, either in person or by proxy, each share subscribed for entitling the subscriber to one vote, and said commissioners, or any three of them, shall be inspectors of such election, and shall certify the result of the same, in writing, signed by them, and thereupon the subscription books and money paid in shall be delivered to the directors so elected.

Appointment of president.

3. *And be it enacted*, That the directors shall meet for the first time at such time and place as the said commissioners, or a majority of them shall appoint, and may at that, or a subsequent meeting, appoint out of their own number a president, and such other subordinate officers or agents as they may deem necessary, and may establish the salaries of such officers and agents, adopt a common seal, ordain by-laws for the regulation of the business, property and works of the corporation, and for regulating elections, filling vacancies in office, and for the general management of the affairs of the corporation; the president and directors shall hold office for one year from the time of election, unless removing from the said county of Union, and until successors are chosen, and subsequent elections may be held at such time and place as the by-laws shall from time to time designate and fix.

Payment of installments

4. *And be it enacted*, That the directors so elected, or a majority of them, may call in the capital stock subscribed at such times and in such installments as they may deem proper, and in case of default in payment, according to said call, may declare forfeited the shares subscribed for, and all payments made thereon by the persons in default.

May construct road.

5. *And be it enacted*, That such corporation shall have power to construct a railroad with the necessary turnouts and switches, beginning in the Morris turnpike at or near the toll gate in Union township, running thence through and along the said turnpike and Morris avenue to Broad street, in the city of Elizabeth, thence through and along Broad street, South Broad street, Pearl street, Rahway avenue and the Rahway road to or near the river at Rahway, and also through and along any and every such street or streets, avenue or avenues, road or roads within the city of Rahway as the common council of said city of Rahway may permit, and the said corporation shall have power to construct a branch with the necessary turnouts and switches, from the corner of Broad street and West Jersey street, through and

along West Jersey street and the Westfield road to or near the present depot of the Central Railroad of New Jersey; the line of said railroad running through and in the township of Union, city of Elizabeth, township of Linden and the city of Rahway; *provided*, that the right to construct the said railroad through any of the said streets within the limits of the city of Elizabeth, shall not vest in the said corporation until the consent of the city of Elizabeth shall be first had and obtained of the city council. Proviso.

6. *And be it enacted*, That the track laid by the said corporation shall in all cases be laid level with the surface or face of the streets or roads through which the same may pass, and in conformity with the grades of said streets or roads, as the same now are or may be established by law, so that said railroad shall not present any unnecessary obstructions to or in any way interfere with wagons or other vehicles passing through said streets, and the said corporation shall keep the surface of the streets inside the rails, and for two feet outside thereof at their proper grades, and in good order and repair, and that the said corporation shall at all times, in all things be subject to the provisions of the charter and ordinances of the city of Elizabeth now being or hereafter to be in force, and when required by the city council of the city of Elizabeth, shall pay such tax to the said city as shall be directed, not exceeding five dollars per year for each car. Track to conform to grade of streets

7. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct the said railroad or the use of the same, or of any of its necessary works, carriages, cars, animals or machines, such person or persons shall forfeit and pay therefor to the said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance of the same. Penalty for injury to works.

8. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum. May borrow money.

9. *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 the said railroad.

Limitation

10. *And be it enacted*, That the office of said corporation shall be in the city of Elizabeth, and if the said railroad shall not be commenced within one year, and completed at the expiration of five years from the fourth day of July next ensuing, then and in that case this act shall become null and void.

11. *And be it enacted*, That this act shall continue and be in force for and during the term of twenty-five years, and the same shall take effect immediately.

Approved March 29, 1866.

CHAPTER CCCLXVII.

Supplement to an act entitled "An act for incorporating sundry persons as Trustees of the Presbyterian Congregation at Fairton, in the county of Cumberland," approved June eleventh, seventeen hundred and eighty-three.

Oath not equired.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the third section of an act entitled "An act for incorporating sundry persons as Trustees of the Presbyterian Congregation at Fairton, in the county of Cumberland," as provides that the said trustees previous to their entering into the execution of the powers and privileges vested in them by the said act, shall take and subscribe to the oath of abjuration and allegiance prescribed by an act passed September nineteenth, seventeen hundred and seventy six, together with an oath of office to execute the trust reposed in them with fidelity and to the best of their understanding, be and is hereby repealed.

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

Approved March 29, 1866.

CHAPTER CCCLXVIII.

An act to incorporate the National Glass and Lumber Manufacturing Company, located at Progress, Burlington County, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Bechtold, junior, Henry Garbor, Elijah Denning, Joseph T. Rowand, Isacher J. Elliott, Jonathan Rogers, Rudolph Sticker, Stephen N. Winslow, Phillip Espenscheid, John W. Haines, Thomas L. Sanders, William White Smith, Anton Hillenbrand, Bartholomew Schmint, William Leach, and such other persons as may be associated with them, shall be and they are hereby constituted and declared a body politic and corporate, in fact and in law, by the name and style of "The National Glass and Lumber Manufacturing Company," and by that name shall have continued succession, and shall be capable of purchasing, erecting, holding, leasing, mortgaging and conveying any lands, tenements, hereditaments, goods and chattels, necessary or proper for the objects of the said corporation hereby created, and by that name to sue and be sued in all courts of law and equity in this state. Names of Corporators.

2. *And be it enacted*, That the capital stock of said company, shall be fifty thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of twenty dollars each, which shares shall be deemed personal property and shall be transferable in such manner as the said company by its by-laws may direct; that five dollars on each share of stock shall be paid at the time of subscribing; said stock shall be subscribed for and paid in at such times and in such installments as the directors may from time to time appoint and direct; *provided*, that no installment shall be for more than five dollars on each share or called in at intervals of less than one month, and that notice of said call shall be given by said directors or a majority of them, in a newspaper published in said county of Burlington for three weeks, once in each week next preceding the time of payment; *and provided, also*, it shall be lawful for said corporation to commence business when ten thousand dollars of the capital stock Amount of capital stock. Proviso. Proviso

aforesaid shall be subscribed, and at all meetings of the stockholders, each stockholder shall be entitled to have, either in person or by proxy, as many votes as he or she holds shares of stock.

Names of first directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than five nor more than ten in number; each of whom shall be shareholders and shall own in his own right, at least five hundred dollars of the stock of said company, who shall be chosen annually, at such time and place in the county of Burlington, who shall hold their office for one year, and until others are chosen in their stead, and that Samuel Bechtold, junior, Nathan S. Read, W. H. Hyde, Thomas James, John A. Baner, Richard Marley, Martin Mayer, John N. Maxwell, Isacher J. Elliott and Stephen N. Winslow, shall be the first directors of this company, under their charter, to continue in office until others shall be elected in their stead, that the directors of said company shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient, and may fill vacancies in their own board until the next annual election, collect installments on stock when called for, or declare the stock forfeited, and all previous payments made thereon, in case of non-payment when duly called for, if they deem it expedient.

Books to be kept.

4. *And be it enacted*, That the directors shall at all times cause to be kept or keep at their principal office, which shall be located at Progress, New Jersey, proper books of accounts in which shall be entered regularly all the transactions and accounts of said company, and also books for the transfer of stock of said company which shall at all times at seasonable hours be open for the inspection of the stockholders of said company, that the directors shall make an annual report to the stockholders of the affairs of the company of the amount of stock actually paid in, and of the assets and debts of the company, and shall from time to time make such dividends of the earnings of the said company as to the said directors shall seem proper; *provided*, that no dividend shall be declared except from the actual profits of the company.

Proviso.

May be dissolved.

5. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon

Proviso.

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

6. *And be it enacted*, That it shall be lawful for the legislature of this state at any time hereafter, to amend, alter and repeal this act, and that this act shall take effect immediately. May repeal act.

Approved March 29, 1866.

CHAPTER CCCLXIX.

A further supplement to "An act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the twelfth section of the act entitled "An act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six, be and the same are hereby extended to the county of Essex, and in addition to the taxes enumerated in said section, shall apply to all township taxes that may be assessed in the several townships in said county. Provisions extended.

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

Approved March 29, 1866.

CHAPTER CCCLXX.

Supplement to an act entitled "An act to incorporate the Newark Plank Road and Ferry Company," approved February twenty-fourth, eighteen hundred and forty-nine.

May construct a horse railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and they are hereby authorized and empowered to construct a horse railroad on the side and along the line of the road of said company, on or along any street or road now laid out or that hereafter may be laid out, running parallel with or near to said plank road or from the same, with branches to connect with other horse railroads; *provided*, said railroad shall not obstruct the use of the present road of said company by carriages or vehicles; *and provided also*, that no steam power shall be used in propelling the cars on said railroad.

Proviso.

Proviso.

Rates of transportation.

2. *And be it enacted*, That the said company is hereby authorized to demand and receive such sum or sums of money for transportation of passengers 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 it shall be lawful for the said company to make contracts with other corporations for the use of said railroad, and also to demand and receive for the transportation by said company over the road of any other corporation the same rate of fare as the said company are authorized to demand and receive by virtue of this act for the transportation over their own road.

Proviso.

Subject to ordinances.

3. *And be it enacted*, That in constructing said horse railroad the same shall be subject to the ordinances and regulations of any city, township or town council of any city or town in which it may run.

May borrow money

4. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build and equip said railroad, and to secure the repayment thereof by bonds and mortgage or otherwise on the roads, lands, franchises and appurtenances of or belonging to said company, at a rate of interest not exceeding seven per centum per annum.

5. *And be it enacted*, That the capital stock of said com-

pany may from time to time be increased such sum not exceeding one hundred thousand dollars beyond that now authorized, as the directors of said company may deem best. Capital stock may be increased.

6. *And be it enacted*, That the railroad authorized by this act shall be commenced within one year from the passage of this act and be completed within three years thereafter. Limitation.

7. *And be it enacted*, That all parts of the act to which this is a supplement inconsistent with this act, are hereby repealed, and that this act shall go into effect immediately.

Approved March 29, 1866.

CHAPTER CCCLXXI.

A supplement to the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act and supplements to which this is a further supplement, be and the same are hereby extended to include the destruction of all domestic animals, by any dog or dogs, bitch or bitches, and that the same shall be operative in all the counties of this state, and it shall be lawful for any township committee of any township to pay any damages which have or may be assessed in accordance with this act. Destruction of animals.

2. *And be it enacted*, That it shall be lawful for the collector, or the person or persons having the authority and power to collect the taxes, authorized to be assessed by virtue of the aforesaid act, and the supplements thereto, and he or they are hereby required to kill or cause to be killed any dog or dogs, bitch or bitches of any person or persons who may neglect or refuse to pay the said taxes, and the expense of killing the same shall be paid by the township committee of the township wherein said collector or person is authorized to collect said taxes, the same not to exceed fifty cents for each dog or bitch. Expenses to be assessed.

3. *And be it enacted*, That if said collector, or person or persons having the authority and power to collect said taxes, Penalty for neglect.

shall neglect or omit to fulfil the requirements of this act, he or they shall forfeit and pay to the township committee of the township, wherein such neglect occurs, the whole amount of tax assessed against the owner or harborer of such dog or bitch, to be appropriated by the township committee toward payment of the damage done to such denomination of animals.

Owners not exempt.

4. *And be it enacted*, That neither this supplement, or the act to which this is a supplement shall exempt the owner or possessor or harborer of any such dog, dogs, bitch or bitches, but he or she is hereby declared to be responsible for such injury, and an action of trespass may be brought and maintained in any court of competent jurisdiction by any person or persons sustaining such injury for the full amount of the same against such owner or possessor, and in which action it shall not be necessary to prove that the said dog or bitch were accustomed to commit the injury complained of or any similar injury.

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

Approved March 29, 1866.

CHAPTER CCCLXXII.

A supplement to "An act to establish Public Schools," approved April seventeeth, eighteen hundred and forty-six.

Election of school committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Oxford, in the county of Warren, are authorized and empowered at their annual town meetings, to elect and choose in the same manner as other township officers are elected, three suitable persons in said township who shall be denominated the school committee of said township, in lieu of the township superintendent now authorized by law to be elected.

Duties.

2. *And be it enacted*, That the said school committee so elected annually in said township, shall perform the same duties, which are directed to be performed by the town superintendent, by the act to which this is a supplement,

except that they shall receive no compensation for visiting schools.

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

Approved March 29, 1866.

CHAPTER CCCLXXIII.

A further supplement to the charter of the College of New Jersey.

Oath to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall be elected a trustee or officer of said corporation, he shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation, faithfully and impartially to perform the duties of his office; and an oath to support the constitution of the United States, and the oath of allegiance to the state in which he resides, and that said oaths may be administered by any member of said corporation.

2. *And be it enacted*, That it shall be lawlul for said College to confer any degrees granted by any other College or University.

3. *And be it enacted*, That the fourth section of the supplement passed May twenty-ninth, seventeen hundred and ninety-nine, be and the same is hereby repealed.

Approved March 29, 1866.

CHAPTER CCCLXXIV.

An act authorizing the planting of Oysters in Barnegat Bay, in the county of Ocean, and protecting the same.

May stake off land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person being a citizen of the state of New Jersey, and resident of

the county of Ocean, within the boundaries hereinafter described for the purpose of planting of oysters, to occupy and stake off any quantity of land covered with water not exceeding two acres, making the boundaries thereof by stakes or other marks plainly visible to persons navigating the waters of the bay, and within the said boundaries in the land so occupied to plant oysters; *provided*, that the share owners shall have the right and preference to stake off as far as their deeds allow by running their lines for that purpose.

Proviso.

Boundaries.

2. *And be it enacted*, That the boundaries within which land may be so staked off and occupied shall be as follows: beginning at Cedar Creek Point at low water mark on the west bank of Barnegat Bay, along said bank to the south line of Ocean county, running off three hundred yards distant from the shore.

Penalty for injuries.

3. *And be it enacted*, That oysters within the boundaries of all said waters shall be the private, personal property of the persons so occupying said land, so long as the boundaries thereof shall be plain and distinctly marked; any person who shall steal, take or attempt to take or injure or carry away the same, while said boundaries are so marked, shall be deemed guilty of larceny, and an indictment thereof shall be in the form of an indictment for larceny at common law; any person found within the boundaries of the land so occupied in a boat or vessel for the purpose of taking such oysters without permission of the owner, shall be fined not less than ten dollars or over one hundred dollars, and shall forfeit such boat or vessel and all the implements used for taking the same which may be seized in the act, and such oysters shall be the subject of the like as their personal property.

Approved March 29, 1866.

CHAPTER CCCLXXV.

An act to incorporate the Erie Transportation Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Clement, George Pen-

dleton, Robert S. Green, Charles R. Cornwell and Francis B. Chetwood and their associates, and all persons who are or may be holders of the stock hereafter mentioned, are constituted a body corporate, by the name of the "Erie Transportation Company," with full power to sue and be sued, implead and be impleaded, in all courts, both of law and equity, to make and use a common seal, for the purpose of carrying on a general forwarding and express business by land or water, in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money and other articles, from and to, and between various posts and places in this state and beyond the limits thereof, and to do all such things as are incident to a corporation and necessary for the purposes of this act, and for carrying out the said purposes, the said company may from time to time procure, hold and use such vehicles, crates, cars, boats, vessels, and such other personal property as may be needed by them for carrying on their business as aforesaid, and may also purchase, hold and convey so much real estate as may be considered necessary for the proper transaction of their business.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said corporation shall be one million dollars, with liberty to increase the same by a vote of a majority of the board of directors from time to time until the same shall be three million dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and the said corporation may begin operations when five hundred thousand dollars shall have been subscribed and fifty thousand dollars thereof shall have been paid in cash.

May borrow money.

3. *And be it enacted*, That after five hundred thousand dollars shall have been subscribed and fifty thousand dollars paid in, the said corporation shall be empowered to borrow any sum or sums of money not to exceed at any time the amount of the capital, and secure the same by bond, mortgage, pledge, hypothecation, or otherwise.

Subscription of stock.

4. *And be it enacted*, That the subscription of said stock shall be open at such place as the directors shall designate, 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.

Election of directors.

5. *And be it enacted*, That the stock, property and concerns of said company, shall be managed and conducted by five directors who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the

first Monday in January in every year, and until others are appointed in their place, and that the said directors shall be chosen on the third Monday of December in every year, at such time and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner to be provided for in the by-laws, and the five persons shall be the directors who shall receive the greatest number of votes; and if it shall happen that any vacancies occur in any manner, such vacancy may be filled by the remaining directors or a majority of them, at any meeting of the board of directors until the time when the persons elected at the next election of directors shall take their offices by virtue of said election, and until after those elected at the first election shall enter upon the duties of their office the following persons shall be directors of the company; William H. Clement, George Pendleton, Robert S. Green, Charles R. Cornwell and Francis B. Chetwood, and that the said corporation shall keep an office in the city of Elizabeth, and may also keep offices in New York city or elsewhere, as the business of the company may require, and the directors shall appoint the president and such other officers and agents as they may deem proper for the government of the corporation and the management of their business, and make and establish all needful by-laws, rules and regulations for the conduct of their affairs; *provided*, such by-laws, rules and regulations, shall not conflict with the constitution and laws of this state or of the United States.

Proviso.

Stock transferable.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said company, and no dividend shall be made to and among the stockholders, except from and out of the profits of the said corporation.

Not dissolved by failure to elect.

7. *And be it enacted*, That in case it should happen, at any time, that an election should not be made on the day on which pursuant to this act it ought to be made, the said corporation shall not, for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be directed by the said company.

Books 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 and kept all the transactions of the said company, which books shall at all times be open to the inspection of the stockholders of the said company.

9. *And be it enacted*, That the said corporation shall continue in existence for thirty years, and that this act shall go into effect immediately, and that the legislature may at any time alter, amend or repeal this act. Repealer.

Approved March 29, 1866.

CHAPTER CCCLXXVI.

An act to incorporate the Madison and Troy Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred B. Brittin, Monroe Howell, Calvin Howell, Silas Tuttle, Daniel Coughlin and Edwin Wilson and their associates and successors, shall be and they are hereby constituted a body politic and corporate by the name of "The Madison and Troy Railroad Company," and by that name they and their successors shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts whether in law or in equity, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of and holding or conveying any real or personal estate, shall have perpetual succession, and may also have a common seal, and alter or renew the same at pleasure, and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act. Names of corporators

2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, with liberty 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 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 receiving subscriptions to the capital stock of said corporation; the said books shall be opened by the said commissioners or a majority of them, two days in succession, at Madison, and shall be kept open from ten o'clock in the morning to five o'clock in the afternoon of each day, and Commissioners to receive subscriptions.

twenty days' notice shall be given by the said commissioners at such times and places in two of the newspapers printed in Morris county, and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened, or a majority of them, to make a fair and just apportionment of the stock among the subscribers, giving preference to the citizens of New Jersey; and at the time of subscribing for said stock five dollars shall be paid upon each share subscribed for to the commissioners or some one of them, and that the residue of the 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 thirty days public notice thereof as aforesaid, and upon failure of payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the company.

Election of directors.

4. *And be it enacted,* That when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same be necessary it shall be the duty of the aforesaid commissioners or a majority of them to give 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 books to said directors, and the moneys paid to them for subscriptions to said capital stock as shall remain in their hands after defraying the expenses of subscription and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors as aforesaid, and the first directors and yearly the directors chosen at any election for that purpose shall, as soon as may be after the election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such va-

cancy 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.

Powers of directors

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 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 they may deem expedient for the purpose of carrying into effect the objects contemplated by this incorporation.

May construct road.

6. *And be it enacted*, That the said president and directors of the said corporation shall be and they are hereby invested with all the rights and powers necessary to the survey, laying out construction and repair of a railroad not exceeding sixty-six feet in width, with as many sets of tracks as they may deem necessary, from some convenient point on the Morris and Essex railroad in or near the village of Madison to a point in the township of Hanover in or near the village of Troy in the county of Morris, and the said company and their agents and servants and others in their employ may enter upon, take possesssion of and use and excavate or level any land which may be wanted for the site of said road; but all lands and real estate thus entered upon which are not donations shall be purchased by the said corporation of the owner or owners thereof at the price to be mutually agreed upon between them; and in case of a disagreement as to price, it shall be the duty of either of the justices of the supreme court, upon a notice to be given him by the said corporation or by the owner or owners of such

lands or real estate, to appoint three disinterested commissioners from the county in which the lands lie, to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said corporation; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the route of said road, through any improved lands over which the same may run; and it shall be the duty of the said commissioners, after having taken an oath or affirmation faithfully and impartially to discharge the trust imposed in them, to deliver to the said corporation a written statement signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, together with the amount of assessment for running, making and maintaining the fencing, to be recorded by the said corporation in the office of the clerk of the county where such lands are situated; and upon payment or tender of such compensation as aforesaid to the said owner or owners, then the said corporation shall be deemed seized and possessed in fee simple of all such land or real estate; and in case of any owner or owners of such land or real estate so appraised shall be feme covert, under age, non compos mentis or out of the state, then and in such case the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, into the court of chancery, to the clerk thereof, subject to the order of said court for the use of said owner or owners, all which proceedings shall be had at the proper costs and charges of the said corporation, to be determined by the said justice of the supreme court; *provided, always*, that should the owners of any real estate, land or materials feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs unless a larger sum shall be received than that awarded by the commissioners; *and provided also*, that in case the said company, after the same is completed, shall abandon the said road or any part thereof, or cease to use and keep the same

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or any part thereof in repair at any time for five successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be reverted in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, their heirs and assigns.

Erection of bridges.

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

Time for constructing road limited.

8. *And be it enacted*, That if the corporation hereby created shall not within five years from the first day of January next, commence the construction of said road, and within five years thereafter construct, finish and put in operation the said railroad, then as to such parts not constructed this act shall cease and be null and void.

May borrow money.

9. *And be it enacted*, That the said company be and are hereby authorized to borrow such money not exceeding two-thirds of the amount of the capital stock of said company as may be necessary for the construction of their road and secure the repayment thereof by bonds or by mortgage on the property, privileges and franchises of the said company, and that any corporation created by any existing law of this state may subscribe to the capital stock of this company and hold the same as stockholders therein, and that it shall be lawful for the said company to form connections or junctions of their road with any other railroad now constructed or hereafter to be constructed, upon such terms and conditions as may be agreed upon by said companies.

Statement of cost, expenses &c, to be filed.

10. *And be it enacted*, That as soon as the said railroad, or any part of it is in operation, the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages, and all expenses, in the office of the se-

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

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Who may ride free.

11. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and the judges of the court of errors of this state, 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 sessions, shall pass and repass on the railroad of said company in their cars free of charge.

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

Approved March 29, 1866.

CHAPTER CCCLXXVII.

An act to incorporate the Lawrence Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their

successors and assigns, shall be and hereby are ordained, constituted and made a body politic and corporate in fact and in law, by the name of "The Lawrence Turnpike Company," and that the following named persons, to wit: Samuel M. Hamill, George White, James G. J. Campbell, Sidney B. Green, John S. Cook, or a majority of them, are hereby appointed commissioners to open books and receive subscriptions to the capital stock at such times and places as they or a majority of them may direct, giving notice thereof at least ten days prior to the opening of said books by publishing the same in two of the newspapers published in the city of Trenton.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall not exceed twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; 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 subscription shall be paid to the treasurer in such installments, at such times and places and upon such notice as the directors of the company shall from time to time direct, and that upon failure of payment thereof as so directed, the 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 or otherwise, at their option, to sue for and recover the installment or installments so remaing unpaid of and from the person or persons subscribing for said stock or in whose name the same may stand on the books of the company at the time of calling in said installments respectively.

Limitation of time for subscription to stock.

3. *And be enacted*, That if one hundred shares of said stock shall not be subscribed for, and the said company organized within three years from the date of the approval of this act, then that 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 to the the respective subscribers or their representatives in proportion to the sums paid by them respectively.

Election of directors.

4. *And be it enacted*, That the affairs of the said company shall be managed by a board of seven directors a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when one hundred shares of said stock shall be subscribed for, the

said commissioners or a majority of them shall call a meeting of the said stockholders, giving at least ten days notice of the time and place of said meeting in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall therefore proceed to elect by ballot seven directors, for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners or a majority of them, shall be the judges; and that at the expiration of said term, and annually thereafter, upon like notice being given by the existing board of directors, the stockholders shall elect by ballot seven directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by the board of directors; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of stock by the holder thereof, in person or by proxy; and in case it shall happen that any election of directors should not be made on the day when pursuant to this act it ought to be made, said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

Election of president.

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

Directors to supply vacancies.

6. *And be it enacted*, That the said directors or a majority of them, may supply any vacancy in the intervals between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, and all officers, agents, superintendents and other servants that may be required to transact the busi-

ness of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock and for the general government of the company and the management of its affairs; *provided* the same are not repugnant to the constitution or laws of this state or of the United States. Proviso.

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

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

9. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, along the old road leading from Trenton to Princeton, known as the Lawrenceville road, with the privilege of straightening the same, commencing at the eight mile run, and extending to the point where said old road intersects the Princeton and Kingston branch turnpike or the Trenton and New Brunswick turnpike, with power to continue the same along the said old road to the intersection of the same with Greene street, in the city of Trenton; *provided*, that no turnpike gate shall be erected or maintained within the corporate limits of said city; *and provided*, that the said company, as soon as they shall construct the said turnpike road shall pay to the respective owners of the lands over which the said highway selected for constructing the said turnpike upon now passes, all damages which the said owners will sustain May construct road. Proviso.

by reason of the construction of said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel or other materials from his or her land 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 owners will sustain thereby; and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

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Width of road.

10. *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 Lawrenceville road, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be sufficiently bedded and faced with stone or gravel to make a good and firm road, and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon, and said company shall make and maintain good and sufficient bridges along the line of said road, not less than eighteen feet in breadth; *provided* that the bridges over the Shabacong creek and the Five Mile run may remain as now constructed until such time as they respectively need to be rebuilt; 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 be overset, the said company shall cause good and sufficient railings to be erected on the sides, so as to prevent horses and carriages from running off.

Proviso.

Proceedings when company and owners cannot agree.

11. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and all persons employed by them, with carts, wagons and other carriages and with beasts of burden and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and when the said company or its agents cannot agree with the owner or owners of such required lands, for the use or

purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, 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 residence if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Mercer, who shall cause 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 commissioners hereinafter named; at such 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 such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than ten days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, 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 or materials and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land 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 aforesaid in the clerk's office of the county of Mercer, to remain of 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 and materials, after payment of the value and damages so assessed, and the right of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for 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 or judge 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.

May erect gates.

12. *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 turnpikes across the said road at any point or points without the corporate limits of the city of Trenton, not exceeding three in number, and to demand and receive toll for traveling each mile, and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one and one-half cents;
For every additional beast, one cent;
For every horse and rider, or led horse or mule, one cent;
For every dozen of calves, sheep or hogs, two cents;
For every dozen of horses, mules or cattle, six cents;

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, sheep, calves, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral.

Proviso

Mile stones to be erected

13. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause milestones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance the said stone is from the city of Trenton; and shall cause to be fixed at the

gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded.

Penalty for injury to works.

14. *And be it enacted*, That if any person shall wilfully break throw down or deface any of the milestones so erected on the said road for the information of people traveling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure or destroy any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of 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 said road to pass a gate or gates on private grounds adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay the sum of five dollars, to be recovered by said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for delaying travellers.

15. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand 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 and defrauded.

Penalty for obstructing passage.

16. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds, of every description, whether of burthen or pleasure, or persons on horseback, using the said road shall keep their horses, carriages, sleighs or sleds, on the right hand side of the road, free and clear for other 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 so obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when road and bridges are not kept in repair.

17. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Mercer, 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 Mercer, not residing in any township 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 a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open, until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, he shall for each offence forfeit and pay the sum of 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 judge 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 from the said company, again to view the said road or bridge, and report as aforesaid to the said judge, who shall, if authorized by the report of the 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, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When toll may be taken.

18. *And be it enacted*, That when the said company shall have completed any two consecutive miles of the said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a

tollgate across said road, and demand and receive toll for traveling thereon agreeably to the foregoing rules.

Approved March 29, 1866.

CHAPTER CCCLXXVIII.

An act to incorporate the Washington and Cranberry Turnpike Company.

Commissioners to receive subscriptions.

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 Washington and Cranberry Turnpike Company shall be opened by John R. Reid, Garrett J. Snedeker, Vincent Barkelew, Ezekiah Wade, John G. Shultz, Andrew McDowell, Cornelius G. Snedeker, Thomas S. Snedeker, Garrett A. Snedeker, George Farr and William Hutchinson, or a majority of them who are hereby appointed to receive subscriptions to said stock, at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books by publishing the same in at least one of the newspapers published in the county of Middlesex.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when one hundred and fifty shares shall be subscribed for and taken the persons holding the same shall be and they are hereby incorporated into a company by the name and title of the "Washington and Cranberry Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this law 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 said subscription shall be paid in installments at such times and

places and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in the manner aforesaid; and upon failure of the payments thereof as so directed, the 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 the company.

Time for receiving subscriptions limited

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within three years from the time of opening 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 to the respective subscribers or their representatives, in proportion to the sums paid in by them.

Election of directors

5. *And be it enacted*, That when the one hundred and fifty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting as hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners or a majority of them shall be judges, and at the expiration of that term, and annually thereafter, upon like notice being given by the directors for the time being, the said stockholders shall elect by ballot the same number or 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 by the holder or holders thereof, either in person or by proxy.

Election of president.

6. *And be it enacted*, That within twenty days after the election aforesaid, the directors shall elect from their number a president of said company, who shall hold his office for one year and until another shall be elected, and shall be the presiding officer at all meetings of said directors and shall have a casting vote when they shall be equally divided; he shall have charge of the seal of the company, and he shall appoint the judge or judges of all elections of stockholders, or in case of his death or 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.

Directors to fill vacancies.

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 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 duties or 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 make and enforce such ordinances and by-laws as they may think expedient, to regulate the transfer of stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and the 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 complete statement of the affairs of the company during the said term.

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the president and directors, or by the stockholders owning one-fourth of the stock of the company, by giving notice of the time and place of holding the same as hereinbefore directed with regard to the annual meeting 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 of the proceedings of the company to be exhibited to them by the president and directors.

Not dissolved by failure to elect.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceeding year shall continue to hold their respective offices, until others are elected in their stead; and that

this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

May construct road.

11. *And be it enacted*, That it shall be lawful for the said company to construct and make a turnpike road from Washington, S. R., in Middlesex county, to Cranberry in said county, beginning near the margin of South river, at Washington, and thence following on or near the route of the public road as it now runs, and ending at or near the main street in Cranberry, being the most direct and convenient route between the said points, which said turnpike road shall not exceed forty feet in width, and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other materials, to make a solid, firm and even road, at all seasons of the year, and the said sixteen feet shall be so graded, that in its progress no part shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than sixteen feet in width; and whenever said road shall be raised so much at the margin or side, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained at the sides, so as to prevent horses and carriages from running off;

Proviso

provided, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners shall sustain by reason of the construction of the said turnpike road; and in case said owners and said company cannot agree upon the amount of said damage, then the damage shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by taking of stone or gravel, sand or clay from his lands, for the construction or maintaining of said turnpike road.

Proceedings when company and owners cannot agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, surperintendents, engineers and workmen, with carts and wagons or other carriages, and with beasts of burthen or draught, and all necessary materials and tools, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereby as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road;

and that when said company or its agents cannot agree with the owner or owners of said land or materials for the purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of said company in the construction of 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 occupants, if any there be, and of the owner or owners and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the county of Middlesex, who shall cause the said company to give notice thereof to the persons interested, if known or in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any 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, commissioners to examine and appraise the said land and materials, and to assess the damages, upon such notice to the persons interested, as shall be directed by the 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 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 place and time appointed, and to view and examine the land and materials, and make a just and equitable appraisement 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 report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, with the aforesaid description of the lands or materials and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Middlesex, to remain on record therein, and shall be recorded by the said clerk, which report or a copy of it, 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 lands or materials, after payment of the value and damages so assessed, and of the right of said owner or owners to recover the amount of said valuation, with interest and 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 being made of the treasurer, and shall constitute a lien upon the property of the company in a nature of a mortgage; and the said judge shall tax and allow such costs, fees and expenses to the judge, clerk, commissioners 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.

May erect gates.

13. *And be it enacted*, That as soon as the said company shall have constructed in a workmanlike manner the said road, according to the several directions in the eleventh section and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile and all factiofns over half a mile of said road, not exceeding the following rates, to witness:

Rates of toll.

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 or hogs, or carriages of burden or pleasure from passing through the said gates or turnpikes until they have paid the toll as above specified.

Mile stones to be erected

14. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile in use on said road, and on each post or stone shall be fairly and legibly marked the distance the said stone or post is from Washington, 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 tolls 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."

15. *And be it enacted*, That if any person shall wilfully

break, throw down, or deface any of the mile stones or posts erected on the said road, or wilfully tear down or deface any of the rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes, railways, fenders or bridges that shall be erected pursuant to this act, or shall forcibly pass the gates or turnpikes without paying the legal tolls 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 or 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 adjacent thereto, and enter again on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would be for passing through said gate, to be recovered by the said company for the use thereof in an action of debt with costs of suit.

Penalty for injury to works.

16. *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 demand and receive more toll than is by this act established, the said company shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for delaying travellers.

17. *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 the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road in the passing direction, leaving the other side of the said road free and clear for other carriages, sleighs 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.

Penalty for obstructing passage.

18. *And be it enacted*, That if the said company should no keep the said roads, bridges, rails and fenders in repair, and complaint thereof shall be made to any judge of the court of common pleas wherein the same shall be situate, he

Bridges and road to be kept in repair.

shall immediately appoint, by writing, three disinterested freeholders of the county as aforesaid, who shall view said road and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept, and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep the same open until otherwise ordered, and if the keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike and exact toll of travelers, he shall for such offence forfeit and pay the sum of 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 judge shall be allowed for his services fifty cents, and the person appointed one dollar each, to be paid by the company, and it shall be the duty of the persons appointed, or a majority of them, on application of the said company, again to view the said road, rails, fenders or bridges, and report as aforesaid to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license, under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut and the toll 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, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the person or persons making the complaint.

When toll may be taken.

19. *And be it enacted*, That whenever the said company shall have completed one mile of the said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect toll gates across said road and demand and receive toll for traveling thereon, agreeably with the foregoing rules.

Roads how vacated.

20. *And be it enacted*, That the said corporation may use any portion or the whole of the public road on the route above named, by and with the consent of a majority of all the land owners adjoining the public road or parts thereof so taken on the route of said road, and if the consent of the said majority is refused, then, and in that case, such road or roads shall be first vacated according to law.

Limitation.

21. *And be it enacted*, That if the said road be not commenced within three years and completed within six years

from the passage of this act, that then and in that case this act shall be void.

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

Approved March 29, 1866.

CHAPTER CCCLXXIX.

A further supplement to an act entitled "An act to incorporate the town of Bergen."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next election in said town for charter officers after the passage of this act, and annually thereafter, there shall be elected a mayor who shall perform the duties hereinafter prescribed, but no person shall be eligible to that office unless he shall have resided in the town at least two years, and shall have attained the age of thirty-five years; it shall be his duty to see that the laws of the state and the ordinances of the town are faithfully executed therein, and to recommend to the council such measures as he may deem necessary or expedient for the welfare of the town; as the head of the police of the town he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and cause to be arrested without process or warrant, and to commit for trial all persons violating or whom he has reason to believe have violated the laws of the state or ordinances of the town; he shall possess the same powers and authority in criminal cases with which justices of the peace are now invested; he shall sign, approve or veto all the ordinances, resolutions, acts and proceedings of the town council; he shall sign all warrants on the treasurer, and all contracts or agreements made under the direction or on behalf of said town by the board of education or water commissioners, and of all other persons acting for and in behalf of said town, and until such approval no act of the said town council or of any other person or persons whatever shall be valid or effective and binding on said town; *provided however*, that the veto power now vested in the president of the town council shall

Election of mayor.

Proviso.

Proviso. be vested in said mayor; *and provided further*, that before the said mayor shall enter upon his duties, he shall take and subscribe the oath required by the charter of said town, and in case of his absence from the town or his inability to perform the duties of his office, the president of the town council shall, during the continuance of such absence or inability, be vested with the powers and execute the duties of the mayor; and it shall be the further duty of said mayor to nominate to the councilmen all policemen or watchmen of said town, and to remove or suspend any policemen or watchman, and report such removal or suspension to the town council at its next meeting thereafter, with the reasons therefor, and after the passage of this act the president of council shall have a vote as a member thereof.

WATER COMMISSIONERS.

Term of office. 2. *And be it enacted*, That the councilmen on the nomination of the mayor shall appoint three persons to be known as water commissioners, who shall hold their offices respectively for one, two and three years from the date of their appointment, and thereafter one shall be appointed on like nomination annually, who shall serve for the full term of three years, and before they enter upon their duties they shall take and subscribe the oath required by the charter of other officers of said town; in case of vacancy by death, removal, resignation, or other disability, in the office of any or all of said water commissioners, the same shall be filled by the appointment of the councilmen on the nomination of the mayor.

Clerk compensation to be fix by council. 3. *And be it enacted*, That the said councilmen, on the nomination of the mayor, shall appoint a suitable person, to be known as the clerk of the water commissioners, who shall hold his office for one year and shall receive such annual salary as the mayor and councilmen shall fix, from year to year, by resolution; and the said clerk shall take and subscribe the oath required by the charter, and shall give a bond in such an amount and with such sureties as shall be approved by the mayor and councilmen, conditioned for the faithful performance of duty, and which bond shall be filed with the town clerk, and in case his office shall become vacant by death, removal or other disability, the same shall be filled by the councilmen on the nomination of the mayor.

Place of meeting. 4. *And be it enacted*, That the said councilmen shall provide a place for the meeting of the said water commission-

ers, and the clerk for the transaction of their business, and the said water commissioners without delay shall ascertain upon what terms a contract can be made for a supply of Passaic water for said town, and report the same to the councilmen, and if approved by the mayor and councilmen to enter into such contract in the name of the town, and in order to provide for the introduction and distribution of such water in said town the said water commissioners shall present to the councilmen a plan, showing in what streets and roads they propose to lay the main and distributing pipes, and as nearly as may be the estimated cost and expenses of the pipe and the putting down of the same; and if the mayor and councilmen approve the projected plan and arrangement, the said water commissioners shall proceed to make a contract in the name of the town, to provide the necessary pipe and put down the same.

May issue bonds

5. *And be it enacted*, That for the purpose of providing the necessary pipe, hydrants and other fixtures, and to defray the cost of putting down the same, the mayor and councilmen are hereby authorized to issue the bonds of the town, either registered or coupon, to an amount not exceeding fifty thousand dollars, payable in not less than ten or more than twenty years, with interest not exceeding seven per centum per annum, payable half yearly, and that in order to pay the interest on said bonds there shall be imposed by the mayor and councilmen a tax of two dollars and fifty cents on every lot of land of twenty-five feet in width fronting on the street or road in which water pipe shall be laid, or in that proportion if said lot be more or less than twenty-five feet in width on such street; and the land that shall be liable to this tax shall be designated, from time to time, by the councilmen by a resolution directing the collector of the revenue of said town to collect said tax; and it shall be his duty to collect said tax in the same manner as other taxes are collected in said town, and if the same are not paid at the time fixed by law for the payment of the taxes of said town, then the same shall be and remain a lien upon the land in the same manner as other taxes are a lien upon land in said town, and the payment thereof, together with twelve per centum interest thereon from the twentieth of December in each year, shall be enforced by the sale of the land as provided for in the charter of said town in other cases of taxation.

Powers of commissioners.

6. *And be it enacted*, That the said water commissioners shall have the exclusive charge and control of all the water

works in the said town and shall fix the rates for the use of the water, and from time to time make and alter all necessary rules and regulations touching the supply and use of the water as they shall deem necessary or expedient, and shall have power to provide and put down at the expense of the town all necessary fire hydrants and keep the same in repair, and if any person shall injure or destroy any of the water pipes, fixtures or hydrants, he shall be guilty of a trespass, and all damages shall be recoverable by suit in the name of the town.

Duty of clerk.

7. *And be it enacted*, That the said clerk of the water commissioners shall attend the meetings of the said commissioners and shall keep a correct record of all their proceedings, and copies of all contracts and agreements made (the originals being filed with the town clerk) by the said commissioners and copies of all accounts and rules and regulations made by said commissioners, and shall keep suitable books containing the names of all persons that use the water and description of premises whereon the same is used, and under the direction of the said commissioners, make out and deliver to the councilmen, at least once a year, a statement showing the number of consumers of water, the amount received for the same, and the water rents in arrear, if any, and such other duties as the said commissioners may prescribe.

Water rents when payable.

8. *And be it enacted*, That all water rents shall be payable yearly in advance, and if not paid in accordance with the rules and regulations as established by the said water commissioners, and approved by the mayor and councilmen, the same shall be and remain a lien on the land, together with all penalties, charges and interest thereon, and the payment thereof by the sale of such land shall be enforced as provided for in the charter of said town.

SEWERS.

Cost and expense to be assessed.

9. *And be it enacted*, That the said water commissioners, under the direction of the mayor and councilmen of said town, shall have the entire charge of constructing all sewers, drains, culverts and receiving basins in said town, and of cleansing and repairing the same, and to enable said councilmen to proceed in the construction of a main sewer or receiving sewer, as provided in the thirtieth section of the act incorporating said town, they shall be authorized to vary the plan heretofore adopted by the councilmen so as to ex-

tend the outlets of said proposed main sewer or receiving sewer to the tide water of New York bay or the Hackensack river, or both, as may be deemed necessary or expedient, and such variation shall in nowise affect or impair the assessment authorized to be made by the said act for the construction of said sewer, and the assessment for the cost and expense of constructing such main sewer according to said altered or amended plan of sewerage, shall be assessed upon the property benefited by its construction; and it shall be lawful to construct said sewer underneath the Morris canal in the line of any street now opened or that may hereafter be opened, and the said commissioners may employ such engineers as they may deem necessary in constructing said sewers and in laying water pipes.

Designation of wards.

10. *And be it enacted*, That all that part of the territory of said town lying south of the Newark plank road and Communipaw lane, and west of the Morris canal, be and the same is hereby constituted a separate ward, to be known as ward number four, and that the Columbian ward be designated and known as ward number one, and Franklin ward as ward number two, and Communipaw ward as ward number three.

Ward officers.

11. *And be it enacted*, That the inhabitants of the said ward number four shall be entitled to have the same ward officers as each of the other wards of said town, and at the next annual election in said town after the passage of this act, the electors in said ward number four shall elect the said ward officers, who shall hold their respective offices and perform the duties as prescribed in the charter and ordinances of said town; *provided however*, that it shall be the duty of council- Proviso. men to appoint the judges and clerk of the election to be held in said ward as above stated and to appoint the place of holding the same, and give notice thereof, and the said judges and clerk of said election before they enter upon their duties shall take and subscribe the oath required by the charter of other town officers, and shall make such certificates and return of said election as the judges and clerk in other wards of said town are by law required to make.

Election of assessors.

12. *And be it enacted*, That after the passage of this act there shall be four assessors for said town, one for each ward as now provided by said charter, and that the said assessors shall be elected at the next annual charter election upon a general ticket, by the votes of the electors of said town, and their election shall be certified by the judges and clerks of the respective wards in the same manner as the

election of the superintendent of schools in said town is by law certified, and the said assessors acting together shall perform the duties now required of the assessors of the several wards, *provided*, that before they enter upon their duties they shall take and subscribe the oath required by the charter of other officers of said town; *and provided further*, that the said assessors shall not be residents of the same wards.

Proviso

Proviso.

13. *And be it enacted*, That after the passage of this act in order to secure the passage of any ordinance by the board of council of said town of Bergen, every such ordinance shall receive the votes of at least two-thirds of the whole number of members of said board of council.

14. *And be it enacted*, That all acts and parts of acts relating to the said town of Bergen inconsistent with the provisions of this act, be and they are hereby repealed.

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

Approved March 29, 1866.

CHAPTER CCCLXXX.

A further supplement to the act entitled "An act revising and amending the act to incorporate the city of Paterson," approved March fourteenth, eighteen hundred and sixty-six.

Duties of marshal and police.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the marshal and police constables of the city of Paterson, now appointed or who may hereafter be appointed by the mayor and aldermen of the said city, shall respectively possess and perform the same duties in the city of Paterson and in any county of the state in all criminal complaints and upon all proceedings thereon, by any justice of the peace, or recorder of the city of Paterson or other proper officer, court or tribunal as constables elected or appointed for the county do or shall possess and perform in similar cases.

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

Approved March 29, 1866.

CHAPTER CCCLXXXI.

An act to incorporate the Farmers' Marl Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Andrew K. Hay, John Gill, junior, David Roe, Benjamin Heritage, R. J. Byrnes, Henry Simons, William C, Milligan and I. W. Nicholson, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate, by the name of "The Farmers' Marl Company of New Jersey." Names of corporators.

2. *And be it enacted,* That the amount of the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of ten dollars each, to be deemed personal property, and which shall be transferable only on the books of this corporation. 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 aforesaid, at such time or times, place or places in this state, and upon such notice as they or a majority of them shall think proper; and at the time of subscribing for said stock, five per centum on each share shall be paid to the said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such installments, and at such times and places and to such person or persons as the directors of said company shall from time to time direct, by giving twenty days' notice in a newspaper printed and circulating in the counties of Camden, Gloucester, Salem, Cape May or Cumberland; and upon failure of payment thereof, the said 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 said company, and whenever five thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall, as soon as they deem it expedient, give like notice of 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, who shall hold their office for one year, or until others are duly elected: and such election shall be made at the time Election of directors.

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 directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the then current year, by the said board of directors.

May own marl beds.

4. *And be it enacted*, That the said company, when organized as aforesaid, shall be and they are hereby authorized to purchase, take, have, hold, occupy and convey such and so many marl beds as they may deem proper, situate in the counties of Salem, Camden, Gloucester, Cumberland and Cape May, or in any or either of them, and to open and work the same, and to transport the marl taken therefrom, and lime and other fertilizers from place to place, and to vend the same, and to purchase, hold and convey such other lands, and to erect such buildings thereon as may be necessary or convenient for said business, and to lay, keep and maintain drains through the contiguous and adjacent lands, for the benefit of their said marl beds, in the manner hereinafter mentioned.

May borrow money.

5. *And be it enacted*, That it shall be lawful for the directors of said company, from time to time, to borrow such sums of money as may seem to them advisable, for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, and other property of said company.

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

Approved March 29, 1866.

CHAPTER CCCLXXXII.

An act to provide for the sale of lands in Bergen county for taxes in certain cases.

Preamble.

WHEREAS, there are lying in the county of Bergen lots and tracts of land, the owners of which are unknown and can-

not be ascertained, or if known are non-residents of this state, and the taxes assessed against the same are not now collected because such lands cannot, under the laws of this state, be sold for taxes, and no persons are found willing to bid upon or purchase unproductive lands for a term of years and pay the taxes thereon; therefore,

Duty of assessors

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter when the assessors of the townships in the county of Bergen shall find lands lying in their respective townships subject to taxation, the owner or owners of which cannot be ascertained, or if known are found to be non-residents of this state, it shall be the duty of such assessors to assess the taxes upon all such lands in the names of the owners thereof respectively, if known or ascertained, describing them as non-residents of this state, and if unknown, then so to state in their duplicates, and to designate the said lands by such short description as will be sufficient to ascertain the location and extent thereof.

Assessments to remain a lien.

2. *And be it enacted*, That any assessment of taxes made upon any such lands lying in the county of Bergen, shall be and remain a lien upon such lands on account of which said assessments were made with lawful interest thereon from the time such taxes were payable, and all costs and fees for the collection thereof until the same shall be paid or collected.

Proceedings in case of non residents.

3. *And be it enacted*, That if any assessment of taxes made as aforesaid upon lands in said county, the owners of which are unknown or non-residents of this state, with the interest and costs aforesaid, shall remain unpaid for the space of one year after the time when said taxes were payable, in every such case it shall be lawful for the township committee of the township in which such lands lie, or a majority of them, to issue their warrant under their hands and seals setting forth therein the assessor's description of said lands to the sheriff of the said county of Bergen commanding him therein to make said taxes, with the interest and costs and fees thereon by a sale of said lands, on account of which said assessments were made, and with the proceeds of such sale to pay to the township collector of said township in which the lands lie the said taxes, interest, costs and fees, and the balance, if any remains after deducting sheriffs' fees of advertisement and sale, to pay into the court of common pleas of said county, also directing the said sheriff to make return of said warrant to the clerk of the county of Bergen, with his proceedings thereon, to be filed by the said clerk in

his office; and the said sheriff upon receiving such warrant shall cause the same to be recorded in the book of executions in the clerk's office, and shall proceed to advertise and sell said lands in the same manner that lands are now advertised and sold under executions issued out of the courts of this state, and shall in all things observe the commands in the said warrant, and it shall be lawful to embrace in any warrant so to be issued as many several parcels of land liable to be sold under this act as may lie in the township on account of which said warrant is issued, setting forth the amount of tax assessed against each owner and each tract of land where the owner is unknown.

Time for making deed

4. *And be it enacted*, That no deed shall be given to the purchaser of any lands sold under this act until after the lapse of one year from the time when the said lands shall have been sold, and if during that time the owner or owners of any such lands or any person having any claim upon or interest in the same, shall appear and claim the said lands and pay the taxes then due thereon, with all costs and fees due for the collection of said taxes and sale of said lands, with interest thereon at the rate of ten per centum per annum, the said sheriff shall refund the purchase money paid by the purchaser to him with interest thereon, and deliver possession of the said lands to the person or persons so redeeming the same, and in case no person shall appear to redeem the said lands, then, on or after the expiration of one year from the said day, the said sheriff who made the sale of said lands, or his successor in office, shall execute and deliver to the purchaser of the land so sold a deed for the same, and such purchaser shall by virtue thereof hold the said lands to himself, his heirs and assigns, forever against the owner or owners thereof, and against every other person claiming under such owner or owners.

Balance of purchase money to be held by court.

5. *And be it enacted*, That the court of common pleas of the said county of Bergen shall hold all balances of purchase money for land sold and not redeemed by the owner or owners thereof or other person or persons interested therein, as provided for in this act, until the person or persons entitled thereto shall apply to the said court for the same, and upon the said court being satisfied that such person or persons so applying are entitled to such balance, then to pay over the same to such person or persons.

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

Approved March 29, 1866.

CHAPTER CCCLXXXIII.

An act to assist the State Agricultural Society to collect and publish information in regard to the insects now so destructive to fruits, fruit trees and grains.

Preamble. WHEREAS, the ravages made by certain insects upon the fruits, fruit trees and grains within this state have occasioned great loss to fruit and grain growers, and have served to discourage the planting of fruit trees as a business connected with the agricultural industry of the state, and which under more favorable circumstances would be exceedingly profitable, and have also rendered the cultivation of cereal grain precarious; and whereas, the state agricultural society in order to prevent these evils if possible, have engaged the services of an entomologist of considerable experience and research to ascertain the sources of the evils complained and to devise a remedy if any there be; and whereas, researches have been made for a series of years and a work prepared on the subject containing a vast number of interesting facts both as to the habits of such insects and the manner of their destruction, a part of which work has been published with undivided public approbation, but with considerable loss to the publisher; and whereas, the entire work ought to be published, and the state agricultural society is unable to furnish the means therefor; therefore,

Amount of appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be and the same is hereby appropriated to the state agricultural society, to be paid in three yearly installments of one thousand dollars each to the state agricultural society, on or after the first day of May of each year, commencing with the present year eighteen hundred and sixty-six, and to be appropriated by the said society for the preparing and publication of the said work.

Monies to be paid by state treasurer. 2. *And be it enacted*, That the treasurer of the state pay out of any monies not otherwise appropriated upon the warrant of the comptroller annually to the state agricultural society the sum of one thousand dollars in each year for three years, as stated in the foregoing section of this act.

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

Approved March 29, 1866.

CHAPTER CCCLXXXIV.

A supplement to the act entitled "An act respecting the Court of Chancery."

Per diem allowance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the chancellor shall call to his assistance any master or justice of the supreme court in the manner provided by law, such master or justice shall be allowed at the rate of eight dollars per day for each day on which he shall be actually engaged in the hearing or decision of such cause.

Cost of printing.

2. *And be it enacted*, That it shall be lawful for the chancellor in such cases as he may judge proper, to order the evidence therein to be printed, and to order the costs of printing the same to be taxed as part of the costs in the cause.

Report of partition and decree to be filed, &c.

3. *And be it enacted*, That it shall be lawful when the partition of lands shall be or has been decreed in chancery, for any person interested in the same to cause a copy of the report of partition and the decree confirming the same duly certified, under the seal of the court, to be filed and recorded in the office of the clerk or register of the county in which any part of such lands may lie; and in all cases where a conveyance of any lands has been or shall be ordered by any decree in chancery, for any persons interested in said lands to cause a copy of said decree, duly certified under the seal of the court, to be filed and recorded in the office of the clerk or register of the county in which any part of said lands may lie.

Duty of clerk or register.

4. *And be it enacted*, That it shall be the duty of such clerk or register to record such copies and certificates in the books of records of deeds for said county, and to index the same in the same manner as deeds are recorded and indexed; and said certified copies and record and copies thereof, duly certified by such county clerk or register, shall be prima facie evi-

dence in all courts without producing a copy of the other proceedings in such causes; and the fees of such clerks or registers for recording and making copies of the same shall be the same as allowed by law for recording and copying deeds.

Decree for payment

5. *And be it enacted*, That it shall be lawful for the chancellor in any suit for the foreclosure or sale of mortgaged premises to decree the payment of any excess of the mortgage debt above the net proceeds of the sales, by any of the parties to such suit who may be liable either at law or in equity for the payment of the same.

Decree for cancelling to be filed, &c

6. *And be it enacted*, That whenever a decree shall be made by the chancellor that any mortgage is satisfied and shall be cancelled of record, it shall be lawful to file in the office of the county clerk or register where such mortgage is registered or recorded, a copy of such decree certified under the seal of the court; and thereupon such clerk or register shall enter in the margin of the record of such mortgage and opposite thereto, that the same was cancelled by decree in chancery filed in his office, entering the date of said decree and filing.

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

Approved March 29, 1866.

CHAPTER CCCLXXXV.

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

Commissioners may redeem bonds

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso in the twentieth section of an act entitled "Supplement to an act entitled an act to incorporate Jersey City," which said supplement was approved March seventeenth, eighteen hundred and sixty-five, be and the same is hereby repealed, and that it shall be lawful for the commissioners of the Jersey City sinking fund to appropriate such amounts of moneys the raised for the payment of the principal of the debt in said supplement referred to, from time

to time, as they may deem for the public benefit, by the purchase or redemption of the bonds issued therefor.

Repealer. 2. *And be it enacted*, That the first section of the act approved on the twenty-second day of March, eighteen hundred and sixty-four, entitled "A further supplement to an act entitled an act to incorporate Jersey City," be and the same is hereby repealed; and the section thereby repealed is hereby revived and declared in full force; *provided*, however that no real or personal estate owned in said city shall be exempt from taxation except mortgages on real or personal property therein which shall be exempt from taxation in the hands of any citizen of this state.

Proviso

Repealer 3. *And be it enacted*, That the ninth section of the act approved March seventeenth, eighteen hundred and sixty-five, entitled "Supplement to an act entitled an act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one, be and the same is hereby repealed; *provided, always*, that nothing herein contained shall affect or repeal the other provisions of the said supplement or the proviso in the fiftieth section of the act to which this act is a supplement.

Proviso.

Approved March 29, 1866.

CHAPTER CCCLXXXVI.

A further supplement to an act entitled "A supplement to an act to incorporate the Paterson and Newark Railroad Company," which supplement was approved February twenty-second, eighteen hundred and sixty-six.

Statement of cost, &c. to be filed. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That as soon as the said railroad or any part thereof is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad including equipment appendages and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said

railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to to time, by a general law, applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purpose and by the same person or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Proviso.

2. *And be it enacted*, That the sixth section of a supplement to an act entitled "An act to incorporate the Paterson and Newark Railroad Company," approved February twenty-second, eighteen hundred and sixty-six be and the same is hereby repealed. Repealer.

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

Approved March 29, 1866.

CHAPTER CCCLXXXVII.

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

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 Newark on application of a majority of the owners or occupants of docks and wharves on the line of the Passaic river, between any two given points to be named, within the limits of the city of Newark, to order the committee on wharves and commercial affairs to cause the Cost dredging to be assessed.

said Passaic river, in front of such docks and wharves between the points so named to be properly dredged, and to assess the costs and expenses of dredging in front of each dock or wharf upon the owner or occupant of such dock or wharf, and to report their proceedings and assessments to the common council.

Collection of assessments

2. *And be it enacted*, That when said report is ratified by the common council the further proceedings for the collection of such assessments shall be had as is now directed by the act to which this is a supplement for the collection of assessments, in cases of regulating, grading, and paving streets, after such assessments have been ratified by the common council.

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

Approved March 29, 1866.

CHAPTER CCCLXXXVIII.

An act to incorporate the Columbus and Kinkora Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Black, Watson Newbold, Peter E. Harvey, John Bishop, Clayton A. Black, Amos Gibbs, George B. Wills, Nathan Folwell and William Brice, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate in fact and in name by the name of "The Columbus and Kinkora Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be fifty thousand dollars, with liberty to increase the same to one hundred thousand dollars, and shall be divided into shares of 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.

3. *And be it enacted*, That the above named persons or a majority of them shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they or a majority of them may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the county of Burlington, and that at the time of subscribing ten per centum shall be paid for each share subscribed for to the commissioners or some one of them, and as soon as twenty-five thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose seven directors, 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 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 the said 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 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. Election of directors.

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, in the manner provided by law in such cases, and the directors for the time Not dissolved by failure to elect.

being shall continue to hold their office until others shall have been chosen in their places.

Installments

5. *And be it enacted*, That four directors of said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such installments, and at such times as they may direct, and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise, *provided*, that no such installment shall exceed five dollars per share and that no two installments shall be required within twenty days of each other.

Proviso.

May construct road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to lay out and construct a railroad not exceeding sixty-six feet in width, with as many sets of tracks as they may deem necessary on the old bed of the "Delaware and Atlantic Railroad Company," in the county of Burlington, beginning at low water mark in the river Delaware at the mouth of Craft's Creek or its vicinity, thence running on the old bed or course of the said "Delaware and Atlantic Railroad Company," to the village of Columbus, in said county, with the privilege of extending the same to the intersection of the public road leading from said village of Columbus to Vincentown.

Make survey of road.

7. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands now constituting and composing the bed of what was formerly known as the "Delaware and Atlantic Railroad Company," and all waters for the purpose of exploring, surveying, leveling or laying out the said route of such railroad and of locating the same, and to make and erect all necessary works and appendages thereof, doing no unnecessary injury to private or other property, and after a survey of such route shall be deposited in the office of the secretary of state, it shall then 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 possess any such lands to excavate the same, 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; *provided, always*, that

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said company shall first make full compensation to the present owner or owners of the land over which said road is proposed to run as aforesaid for all lands so to be taken and for all damages likely to accrue therefrom, before said company shall enter upon or break ground in the premises except for the purpose of surveying and laying out said road, and that whenever any part of the bed of the said "Delaware and Atlantic Railroad" shall have been fenced in or enclosed by the adjacent land owners, the said company shall be at the expense of removing the same without any damage or injury to said adjacent land owners; *and provided also*, that in case the said company before or after the said road is completed shall abandon the same or any part thereof, or cease to use and keep the same or any part thereof in repair for three successive years, that then and in that case the title of the lands over which the said road shall pass shall be revested in the person or persons from whom the lands were taken by concession, purchase or otherwise, their heirs and assigns forever, and that any previous law constituting said road a public highway is hereby repealed and revoked, excepting as to such part of said road as may now be used as a public highway unless required for the purposes of this act.

To build bridges.

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

Rates of transportation.

9. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said railroad all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or any species of property, as they may deem 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 at the rate of five cents per mile for carrying each passenger, but no

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charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than eight cents per ton per mile for the transportation of every species of property on said road in the carriages of said company.

May hold real estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate depot upon the line of the same, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other buildings and improvements as they may deem expedient for the safety of property, and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Dividends.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad, and pay the same to the stockholders of said company or to their legal representatives, in proportion to the number of shares held by them respectively.

May make contracts

12. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make such 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 fulfilment of such contracts.

Penalty for injury to works.

13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad, or any part of said railroad enjoyed under the provisions of this act, or of any of the necessary bridges, works, wharves, carriages or machines of the said corporation, 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 to all damages.

Annual tax

14. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of the said company shall file under oath or affirmation a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road, and after the said

railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided* that no other tax or impost shall be levied or assessed upon said company.

May borrow money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond or mortgage or otherwise on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding six per centum per annum.

Limitation.

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

Who may ride 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.

Approved April 2, 1866.

CHAPTER CCCLXXXIX.

An act to incorporate the Mount Holly, Lumberton and Medford Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Shreve, Charles Bispham, William R. Braddock, James S. Hulme, Henry P. Ely, Peter V. Coppuck, F. C. Doughten, John Brown, Benjamin F. Shreve, George Haines, Charles Hollingshead, Isaac W. Stokes, Isaac P. Trimble and Walter Rutherford, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by the name of "The Mount Holly, Lumberton and Medford Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary and expedient for the objects of this corporation.

Amount of capital stock

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

Election of directors.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation at such time and place as they or a majority of them, may think proper, giving at least ten days' notice in one of the newspapers published in Burlington county, and that at the time of subscribing, ten per cent. shall be paid on each share subscribed, to the commissioners or some of them, and when fifty thousand dollars are subscribed to the capital stock of the said corporation, the persons holding the same shall be and they hereby are incorporated into a company, and the commissioners shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place

appointed by such of the stockholders as shall attend for that purpose either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services, and the time and place of holding the first meeting of directors shall be fixed by the said commissioners or a majority of them.

President. 4. *And be it enacted*, That the directors chosen at such meeting and at the annual elections of said corporation, shall as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board by death or otherwise until the next succeeding annual election.

Not dissolved by failure to elect 5. *And be it enacted*, That the annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct of which elections public notice as above mentioned shall be given, and such election shall be made as hereinbefore directed, and in case it shall happen that an election of the board of directors shall not be made when it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed; five directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such installments and at such times as they may direct; *provided*, that such payment shall not exceed twenty dollars on each share per month, and in case of the non-payment of the said installments or any one of them they shall have the power to forfeit such share or shares upon which said default shall arise, to and for the use of said corporation, and also to make and prescribe such by-laws and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of said corporation, and also to appoint such officers, clerks and servants as to them shall seem meet, and to establish and affix such salaries to

Proviso.

them and also to the president as to the said directors shall appear proper.

May construct road.

6. *And be it enacted*, That the president and directors of the said corporation be and the same are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near Mount Holly, in the county of Burlington, to the village of Medford in said county, passing en route through or near the village of Lumberton, the said road not to exceed one hundred feet in width with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for said president and directors, their agents, superintendents, engineers and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the route of such railroad and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private or other property, and when the route of said road shall have been determined on and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company by its officers, agents, engineers, superintendents, contractors and workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use and occupy any such lands, and to erect embankments, bridges, piers and all other work necessary to lay rails and do all other things that shall be suitable or necessary for the construction, completion and repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or the tender of the payment of all damages for the occupation of land through which the said railroad may be laid out, be made, and if the owner or owners of said land shall not see fit to receive such award, the amount of such award shall be paid into the circuit court of the county of Burlington before the said company or any person under their direction or in their employ shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such land be first had or obtained.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or

owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants if any there be, and of the owner or owners if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested if known or 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 commissioners hereinafter named, at which time upon satisfactory evidence to him of the service or publication of service, or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested freeholders resident in the county in which the lands or materials in controversy lie commissioners to examine and appraise the said lands or materials, and to assess the damages upon notice not less than ten days, to be given to the persons interested as shall be directed by the justice making such appointment, and it shall be the duty of said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding), to meet at the time and place appointed and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages which shall be paid by the company for such lands and materials and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removal of fencing on the line of the ronte of said road through any improved lands over which the same may run, which report shall be made in writing under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of the supreme court, to remain 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 materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the said corporation, in the nature of a mortgage; and the said justice of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justices, commissioners, clerks and other persons performing any of the duties prescribed in this section of the act as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

Proceedings in case of appeal.

8. *And be it enacted*, That in case the said corporation, or owner or owners of the said lands or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next term of the said court, to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then said costs shall be paid by the said applicant or applicants, and 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 or materials, upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or (the owner or owners thereof being under any legal disability), the same being first paid into the court of chancery.

To build bridges.

9. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road now or hereafter laid shall cross the same, so that passages of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon-ways over or under said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

Rates of transportation.

10. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed or to purchase with the funds of the corporation and to place on said railroad all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or property, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying such passenger, but no charge shall be required to be less in the aggregate than ten cents, nor shall said corporation charge more than ten cents per ton per mile for the transportation of any description of property; and the said railroad with its appendages and the lands over which it shall pass and all the works, improvements, and all other property whatsoever, belonging to the corporation are hereby vested in the said corporation and their successors for and during the continuance of their charter.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors shall declare and make such dividends of the net profits thereof as they may deem prudent and proper from time to time.

May hold real estate.

12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of said road, or at any other point on the line of said road where the directors may think proper

to establish a depot, and may also erect thereon houses, warehouses and workshops and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary use appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream, so as not to obstruct the navigation thereof.

May make contracts.

13. *And be it enacted*, That it shall be lawful for the said company at any time during the continuance of its charter to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kinds of goods, produce, freight, merchandise or passengers, and to enforce the fulfilment of such contracts.

Penalty for injury to works.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad enjoyed under the provisions of this act, or 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.

Statement of cost and expenses to be made.

15. *And be it enacted*, That as soon as the said railroad or any part of it, is in operation the president of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said railroad including equipments, appendages and all expenses in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall under oath or affirmation make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad or any part thereof shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its

real estate, including improvements thereon and personal property, as now taxed in the city or cities, township or townships wherein it lies at the same time and rate, and in the same manner, for the same purposes and by the same person or persons, as other taxes assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

May borrow money.

16. *And be it enacted*, That the said Mount Holly, Lumberton and Medford Railroad Company, shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair their road, and furnish all necessary engines, machinery and cars for the uses and objects of said company, and to secure the payment thereof by the execution and negotiation of any bond or bonds, secured by mortgage on said road, lands, privileges, franchises or appurtenances of and belonging to the said company, said bonds bearing not more than seven per centum interest per annum; *provided, however*, that the said company shall not plead the statute of usury in consequence thereof; *and provided further*, that said bonds shall constitute a first lien on the said railroad, its cars, real estate and franchises.

Proviso

Proviso.

State may take road

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

the payment of the company of the amount of said report within one year after electing to take the said road, which report shall be filed in the office of the secretary of this state, and the property and interests of said road and appendages thereof shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road and of the receipts and disbursements of the said company; *provided always*, that the aforesaid valuation shall be made without any reference to the receipts or disbursements of the company or the advancement of stock, and the said valuation shall in no case exceed the first cost or valuation of said road with the appendages thereof.

Proviso.

Limitation.

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

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

Approved April 2, 1866.

CHAPTER CCCXC.

Supplement to an act entitled "An act to incorporate the Jersey City Gas Light Company," approved March first, eighteen hundred and forty-nine.

Penalty for neglect.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be the duty of the said company to keep two inches pressure on their gasometers, from four o'clock in the afternoon until eight o'clock in the morning, and one inch pressure from eight o'clock in the morning until four o'clock in the afternoon, and for every neglect or failure so to do, the said company shall be liableto a penalty of twenty-five dollars, to be recovered by action of debt, in any court of competent jurisdiction, by any gas consumer who will sue for the same in his own name.

2. *And be it enacted*, That the said company are hereby directed and required to procure a pressure guage to be open to public inspection at their office in Jersey City. To have pressure guage.

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

Approved April 2, 1866.

CHAPTER CCCXCI.

An act to authorize and empower Thomas H. Hewlings, trustee of Eliza M. Eayre, to sell and convey certain real estate.

WHEREAS, Benjamin Buckman, by deed of bargain and sale under his hand and seal duly executed, bearing date the seventh day of April, anno domini eighteen hundred and forty-nine, and recorded in the clerk's office of the county of Burlington, in book U. 4 of deeds, page two hundred and ninety-seven, did convey unto Thomas H. Hewlings a house and lot of land therein particularly mentioned and described, situate in the township of Medford, in said county to have and to hold in trust nevertheless "that the said Thomas H. Hewlings, his heirs and assigns, shall and will hold, use, occupy and rent the same and receive the rents, issues and profits thereof to and for the use of Eliza M. Eayre, (wife of William H. Eayre, of the village of Medford), and will from time to time pay over the said rents, issues and profits first deducting the necessary charges, personally to the said Eliza M. Eayre during her natural life, taking her own separate receipt therefor, which shall be a sufficient discharge for the same, but in case the said Eliza M. Eayre is so circumstanced as to render it most advantageous for her to occupy, possess and enjoy the same, she shall be permitted so to do with her said husband at the discretion of said trustee, and in further trust in case her present husband should survive her, then in trust for the use and benefit of the said William Eayre during his natural life, who is to receive the rents, issues and profits thereof, and at the death of the said William H. Eayre, he surviving his aforesaid wife, to con- Preamble.

vey the same in fee simple to such person or persons as at the time of the death of the said Eliza M. Eayre may be her heir or heirs at law, according to the laws of the state of New Jersey for the time being," as by reference to said deed will more fully appear; and whereas, it has been represented that said property was purchased with money belonging entirely to the said Eliza M. Eayre, that she and her husband, the said William H. Eayre, have not lived or cohabited together for nine years last past, during which time he has contributed nothing towards her support, that they have no children, and that her heirs at law in case of her death at the present time would be her brothers, Samuel Borroughs and Joseph M. Borroughs, and her sisters, Sarah L. Hewlings, wife of Thomas H. Hewlings, and Mary H. Cox, wife of John Cox, that said property yields a very small revenue for her support, and that it is desirable that the same shall be sold, and the parties having the reversionary interest therein have united with her in an application for the sale thereof; therefore,

Trustee to make sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Thomas H. Hewlings, the trustee named in said deed, be and he is hereby fully authorized and empowered to make sale of the said house and lot of land therein mentioned and described, either at public or private sale, for the best price which can be obtained, and to execute and deliver to the purchaser or purchasers a good and sufficient conveyance in the law for said premises, thereby vesting in him, her or them a good and valid title for the same; and to pay over the purchase money to the said Eliza M. Eayre, or investing the same as she may direct; and upon so doing the said Thomas H. Hewlings shall be discharged from all trusts and responsibilities imposed on him by said deed of trust.

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

Passed April 2, 1866.

CHAPTER CCCXCII.

A further supplement to the act entitled "An act to incorporate the town of Orange," approved January thirty-first, one thousand eight hundred and sixty.

Preamble. WHEREAS, it hath been discovered that sundry irregularities occurred in the annual election held in the said town, on the second Tuesday in March instant, by reason whereof doubt hath arisen as to the validity of such election therefore,

Election declared valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said election held in the three wards of said town, on the second Tuesday of March instant by the judges of election and the poll clerks in and for the said several wards, be and the same is hereby declared to have been a valid election, in all respects as though the same had been held by the officers, and in the manner required by law; and that the common council of said town are empowered and directed to accept as valid and sufficient the returns of said election, already certified to them by the said judges of election and poll clerks, and, at an adjourned or any regular meeting of said council, to canvass the said returns and decide upon the same, in the manner prescribed by law, as well with regard to the persons who may have been elected to the different offices to be filled at such election, as to the several sums of money then voted to be raised for the several purposes authorized by said act, or any supplement thereto.

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

Approved April 2, 1866.

CHAPTER CCCXCIII.

An act to incorporate the New Jersey Stock Yard and Market Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel W. Allerton, John Ramsey, Joseph McPherson, Egbert Hurd, Jacob W. McCullough, Josiah O. Stearns, W. R. Arthur, Noah D. Taylor, Chas. H. Winfield and their associates and all persons who are or may be holders of the stock hereafter mentioned are constituted a body corporate by the name and style of the "New Jersey Stock Yard and Market Company," and by that name and style may contract and be contracted with, sue and be sued, have a common seal and may have and exercise all the rights privileges and immunities which are or may be necessary to carry into effect the purposes of this act.

May erect building, &c.

2. *And be it enacted*, That said company shall have power to locate, construct and maintain, upon any land which they may purchase or lease for such purposes, within the limits of the county of Hudson, all the necessary yards, inclosures, buildings, structures, acqueducts and railway tracks, switches and turn-outs, for the reception, safe keeping, feeding, watering, marketing, killing and packing, and for the weighing, delivery and transfer of cattle and live stock of every description, and also dead and undressed animals that may be at or passing through or near the city of Jersey City, and for the accommodation and transaction of the business of a general stock yard and market establishment for cattle and live stock including the erection and establishment of one or more hotel buildings, and the right to use, keep, manage or lease the same for the accomodation of the public doing business at the said yards and otherwise, and shall have power to enlarge, re-locate, sell or lease the said yards, structures and buildings, or any of them as shall become necessary or expedient, from time to time, subject, nevertheless, to the restrictions above mentioned as to the location of the same, and shall have the right and power to purchase and sell and make advances of money upon such cattle and live stock, for freight and other purposes and for the care, subsistance and handling, and for advances made upon stock, and for killing,

packing and rendering the same, the same company may require to be paid compensation therefor, the said company shall also have power to dispose of the offal or manufacture products therefrom.

3. *And be it enacted*, That the said company shall have power and authority for carrying out the purposes of said incorporation, to procure, hold and use such personal property, and also to purchase, lease, hold, sell and convey so much real estate as may be necessary for the proper transaction of their business. May hold real estate.

4. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, which stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property and transferable on the books of the said corporation; the said company may commence operations when fifty thousand dollars shall have been paid in, in cash; the board of directors shall have power to require the payment for the stock subscribed, in the manner, at the time, and in such sums as they may direct, and to declare dividends upon profits earned by said company, on the refusal or neglect of any stockholder to make payment of any installment on the requisition of the board of directors, the share or shares of such delinquent with all installments paid, may be forfeited or may, after thirty days' public notice in one of the daily newspapers of Jersey City be sold at public auction under such rules as the directors may adopt, or said company may issue and use their stock as full, paid in the purchase of real estate or other property or for other purposes on such terms as the respective parties may agree upon. Amount of capital stock

5. *And be it enacted*, That the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of seven in number, who shall be stockholders, holding not less than fifty shares of stock, and such other officers, agents and servants as they shall appoint; the first board of directors shall consist of Samuel W. Allerton, Joseph McPherson, John Ramsey, Noah D. Taylor, Jacob W. McCullough, Josiah O. Stearns, Charles H. Winfield, who shall hold their office until the third Wednesday of January, anno domini, eighteen hundred and sixty-seven, and until their successors are elected and qualified; vacancies in said board may be filled by a vote of two-thirds of the directors remaining; an annual election for directors shall be held First directors.

on the third Wednesday in January of each year at such place and in such manner as may be provided by the by-laws of said company.

Election of directors.

6. *And be it enacted*, That at any election of directors each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the seven persons receiving the largest number of votes shall be elected and hold their office until the next annual election, and until their successors shall be duly qualified; and if for any cause the annual election shall fail, the company shall not be dissolved, but the directors in office shall continue to hold their places as directors until an election shall be had and their successors duly elected and qualified.

President

7. *And be it enacted*, That the directors herein named shall organize by electing one of their number president and by appointing a secretary and treasurer, the said company shall have power to make, ordain and establish by-laws, rules and regulations necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interests of the company.

May borrow money.

8. *And be it enacted*, That the said company is hereby authorized from time to time to borrow such sums of money as may be necessary, and to issue and dispose of their bonds therefor, in denominations of not less than five hundred dollars each and to an amount which in the aggregate shall not exceed two hundred thousand dollars, bearing interest at the rate of seven per centum, and to secure the payment of the same may execute a mortgage or mortgages or deed of trust of all or any part of its property real and personal.

Limitation.

9. *And be it enacted*, That the said corporation shall continue in existence for thirty years, and that this act shall take effect immediately, and the legislature may at any time alter, repeal or amend the same.

Approved April 2, 1866.

CHAPTER CCCXCIV.

A supplement to an act entitled "An act to authorize the township of Princeton in the county of Mercer, to raise money by taxation, and to issue bonds to pay the indebt-

edness incurred in filling the quotas of said township," approved March twenty-second, eighteen hundred and sixty-five.

Poll tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessments authorized to be made on the first day of March, eighteen hundred and sixty-six, and on the first day of March, eighteen hundred and sixty-seven, shall be levied as follows: first, a personal bounty tax of two dollars upon each single male inhabitant, and of one dollar upon each married male inhabitant of said townsnip of Princeton whose names appear upon the last tax duplicate for state, county and township purposes, instead of ten dollars and five dollars as authorized by the second section of the act to which this is a supplement; *provided*, that all persons who are now or have been in the military or naval service of the United States and received an honorable discharge therefrom shall be exempt from the payment of any personal bounty tax whatever, and the remainder shall be assessed upon the personal property of the inhabitants of said township, and the real estate situated therein according to the valuation thereof at the last regular annual assessment.

Proviso.

Repealer.

2. *And be it enacted*, That any provision of the act to which this is a supplement, which may be inconsistent or in conflict with this, is hereby repealed.

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

Approved April 2, 1866.

CHAPTER CCCXCV.

A supplement to "An act to create from the town of Bergen, in the county of Hudson, a new township, to be called the township of Greenville," approved March eighteenth, eighteen hundred and sixty-three.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Currie, Matthew Armstrong, Jacob O. Seymour, Jacob J. Detwiller, and Nicholas S. Vree-

land be and they are hereby appointed "commissioners to be called commissioners of surveys," whose duty it shall be to cause a full and accurate survey of the lands in the township and a map thereof to be made, from which survey the said commissioners, or a majority of them, shall direct where roads, avenues or streets shall or may be opened, said roads, avenues or streets not to be less than fifty nor more than eighty feet in width; and the saidcommissioners shall proceed, at as early a time as in their judgment is for the interest of the owners of land in said township to the duty prescribed in this section, and shall immediately after such duty is performed place said map and a full report of their proceedings, which shall be kept by the town clerk, in the ands of the township committee.

Duty of township committee.

2. *And be it enacted*, That on the delivery of the map as directed to be made in the first section of this act to the township committee, it shall be the duty of said township committee to cause the old Bergen road to be regulated and adjusted to its proper width as it was originally laid out, namely, to the width of three rods, and for this purpose the township committee are authorized and directed to procure the removal of any encroachments or incumbrances on said road; *provided*, that written notice shall have been served by the township committee, through their clerk, on the owner or owners of such encroachments or incumbrances at least sixty days previous to such removal; and in case written notice cannot be served on such owner or owners, it shall be sufficient that such notice be given by advertisement in one or more newspapers published in Hudson county at least once in each week for six weeks.

Opening of roads and streets.

3. *And be it enacted*, That it shall be lawful for the township committee, or a majority of them, to direct the opening of any road, avenue or street that may be laid down on the map furnished to them by the commissioners of surveys, on application of the owners of a majority of the lands immediately fronting on both sides of such road, avenue or street; and in order to determine the meaning of the term "majority of lands," as referred to in this act, such lands shall be reckoned as of equal depth, and measurement shall be made only in length on the line of such road, avenue or street as may be proposed to be opened or otherwise improved.

Repealer.

4. *And be it enacted*, That so much of an act entitled "An act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of "Gren-

ville," as has reference to the election of overseers of the highways, be and is hereby repealed.

May make contracts.

5. *And be it enacted*, That it shall be lawful for the township committee or a majority of them to let out by contract, the grading and repairing of the several highways now open and such as may be hereafter opened in said township, and whenever the owner or owners of a majority of lands lying on both sides of any road, avenue or street, now open to public use, shall petition the township committee to have such road, avenue or street worked as a public highway, it shall be the duty of the township committee to forthwith cause the same to be worked.

Sidewalks.

6. *And be it enacted*, That the township committee or a majority of them shall have power to direct the laying of plank or stone sidewalks, as the owners of a majority of land fronting on any road, avenue or street, may petition the township committee to have laid on any road, avenue or street, such improvements to be made under the direction and supervision of the township committee, and the cost and expenses of such improvement, shall be assessed by the township committee in a just and equal manner on the owner or owners of lands in front of which such improvements are made; *provided*, that the owner or owners of land shall have the right to elect whether they will make such improvements themselves and defray the expenses thereof, and in case of such election, such owner or owners shall give written notice to the township committee within thirty days after said committee shall have directed such improvements to be made, that they intend to make such improvements and shall afterwards agree to complete such improvements in such time and in such manner as may be directed by the township committee.

Proviso.

Owners liable for assessments.

7. *And be it enacted*, That in case of any default in payment of any assessments as provided for in the previous section, within sixty days after such improvements as may be lawfully directed to be made by the township committee, shall have been completed, then such owner or owners of lands as may have been assessed for improvements, and who are in default, shall be held liable in the same manner as though such assessments were assessments for taxes.

Annual expenditure.

8. *And be it enacted*, That it shall be lawful for the township committee, or a majority of them, to direct the expenditure of one-fourth of the sum annually assessed and collected for road taxes, for the purpose of graveling or laying

cross or side walks of plank or stone in and through such parts of the township as they may deem to be of the greatest benefit and convenience to the largest number of the inhabitants of said township, and where from the peculiar ownership of the lands, whether by railroad or cemetery companies, such improvements could not otherwise, in their judgment, be effected; *provided*, that in case the township committee should deem it inexpedient to expend any portion of the money assessed and collected for road taxes for the purpose of graveling or laying cross or side walks, they may expend all such money for the grading and repairs of roads.

Proviso.

Compensation of commissioners.

9. *And be it enacted*, That the commissioners of surveys as provided for in this act, shall receive the same compensation for their services as is allowed by law to members of the township committee, but the number of meetings for which they shall receive compensation, shall not exceed during their full term of service, twenty-five; the clerk of such meetings shall receive the same compensation as is allowed to the town clerk for his services at town meetings, said clerk to be paid for all meetings of the commissioners of surveys, at which he shall be present and perform his duty as provided for in this act, and in case of any vacancy or vacancies in the board of commissioners of surveys, such vacancy or vacancies shall be filled by the township committee or a majority of them.

Interest on bonds may be applied towards defraying expenses

10. *And be it enacted*, That it shall be lawful for the township committee to apply the funds which the treasurer of the township may receive from interest on Hudson county bonds, now the property of the township, towards defraying expenses of the survey and map as provided for in this act, and also for the payment of the compensation to the commissioners of surveys and their clerk, and for the payment of such expenses as may lawfully be incurred by the commissioners of surveys, the township committee may sell a sufficient amount of Hudson county bonds at not less than par value, or if the township committee shall deem it more advantageous to the interests of the inhabitants of the township, it shall be lawful for the township committee to borrow at a rate of interest not exceeding seven per cent. per annum, a sufficient sum to defray the expenses named in this section, and shall out of the interest which shall be received on Hudson county bonds, pay the amount so borrowed.

Proceedings in case of

11. *And be it enacted*, That whenever any road, avenue, or street, that shall be laid out and shown on the map to be

made and filed pursuant to the first section of this act, shall be actually opened to the use of the public, by the direction of the said township committee, that before the said township committee shall proceed to regulate the same the said township committee shall appoint three disinterested impartial freeholders, residents of said township, who shall review the road, avenue or street so laid out on said map, and if in the judgment of said freeholders, any property, on the line of said road, avenue or street, is benefitted or injured by the laying out and opening of said road, avenue or street, then the said freeholders shall cause a map thereof to be made, showing the damages allowed to any owner or owners of lands or property on the line of said road, avenue or street, or the benefit resulting to other owner or owners of lands or property on the line of said road, avenue or street, by the laying out and opening thereof, and shall return said map and assessment to the said township committee within thirty days after their appointment: and the clerk of said township committee shall give notice of such filing of said map and assessment under the direction of said township committee, and all persons aggrieved thereby may be heard before said township committee and the said township committee may confirm said maps and assessment, or may return it to said freeholders for a re-view, and they shall re-consider their map and report, and within thirty days make another return thereof to said township committee who shall either confirm or disapprove of the same, and if they shall confirm the same then said assessment so made shall be a charge against the owners of said land or property, and upon said land and may be collected in the same manner as is provided for the collection of other assessments by this act; if they disapprove of said assessments then nothing further shall be done in the matter until further application shall be made. opening road, street, &c.

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

Approved April 2, 1866.

CHAPTER CCCXCVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "The Gloucester Turupike Company" to demand and receive for traveling their turnpike road the following rates of toll per mile, namely:

Rates of toll.

For every carriage, sleigh or sled drawn by one beast, one and one quarter cents;
For every additional beast, one and one quarter cents;
For every horse and rider, or led horse or mule, one cent;
For every dozen calves, sheep or hogs, two cents;
For every dozen horses, mules or cattle, six cents;

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

Approved April 3, 1866.

CHAPTER CCCXCVII.

An act to incorporate the Newark Worsted Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Josiah Conley, Charles Hurd and William C. Walker and all such persons as may be hereafter asssociated with them, be and they are hereby declared to be a body corporate and politic, in fact and in law, by the name of "The Newark Worsted Company," for the purpose of manufacturing and selling at Newark, in the county of Essex, all kinds of worsted goods and other productions of a similar nature, and for that purpose shall be capable of purchasing, holding, leasing and conveying any lands, tenements, goods and chattels necessary or proper for the objects of the said corporation.

Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, to be divided into shares of one hundred dollars each, and shall be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That the persons above named are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said corporation at such time and place in the city of Newark as they may think proper, giving notice thereof at least five days in some newspaper published in said city of Newark, and that as soon as the whole of said stock is subscribed, the said commissioners shall by like notice call the first meeting of the stockholders for the purpose of organizing the said company. Commissioners to receive subscriptions.

4. *And be it enacted*, That the business of the said corporation shall be managed by a board of directors, not less than three nor more than five in number, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead, and every year thereafter, at such time and place and upon such notice as the by-laws shall direct, 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 may own. Election of directors.

5. *And be it enacted*, That the directors of the said corporation shall have power to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of said corporation may require. Powers of directors.

6. *And be it enacted*, That the regular books of account of the said corporation shall be kept in the office of said company in the city of Newark, to which books every stockholder shall have free access at all reasonable times for the purpose of examining the same. Books where kept.

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

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

Approved April 3, 1866.

CHAPTER CCCXCVIII.

An act to incorporate the Cumberland County Steamboat Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ercurious B. Fithian, Daniel Williams, Richard Lanning, Jacob Kienzle, David Blew, William M. Stewart and Wilmor Bacon and all such persons as are now members or partners of an association for the purchase of the steamer Patuxent, to run from Bridgeton, in the county of Cumberland, to the city of Philadelphia, and their successors and assigns, be and they are hereby made and declared to be a corporation and body politic, by the name and designation of "The Cumberland County Steamboat Company," and by that name shall have full power, right and authority to purchase, build, hold, occupy and convey any steamboat or boats, lands, tenements 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.

Stocks to be transferred

2. *And be it enacted*, That all the joint stock of the association, and all the estate, real, personal and mixed, and all the securities, claims and demands and all the records, books, papers, and vouchers, in any wise belonging to the said association as now formed, shall be transferred to and vested in the said corporation, as absolutely and completely as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing herein contained shall affect or impair the rights of the creditors of said association.

Proviso.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars, and shall be divided into shares of fifty dollars each, which said shares shall be divided by the board of directors among the above named persons, and all others who are or may become 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 a steamboat or 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 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 adopted.

First directors

4. *And be it enacted*, That the said Ercurious B. Fithian, Daniel Williams, Richard Lanning, Jacob Kienzle, David Blew, William M. Stewart and Wilmor Bacon, shall be directors of said corporation until an election shall be held as hereinafter provided, and the said, or any directors, hereafter 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 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.

Corporation organized.

5. *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.

Election of directors.

6. *And be it enacted*, That the affairs, property and concerns of said company shall be conducted by seven directors, any four of whom shall be a quorum, and at least four 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 annual election to be held in the city of Bridgeton on the second 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 as the by-laws shall direct, shall be given in one or more newspapers published in the said city of Bridgeton.

Not dissolved by failure to elect

7. *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 directors shall have been chosen in their stead.

Capital not to be used for banking.

8. *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.

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

Approved April 3, 1866.

CHAPTER CCCXCIX.

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

Fees.

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 following fees shall be allowed to the several surrogates in this state, to wit: the same fees as are now allowed by law, and twenty per centum additional in each case, in which services are performed by such surrogate, and that this section shall continue in force two years.

Fees for auditing.

2. *And be it enacted*, That the surrogates of this state shall be entitled to demand and receive for auditing, stating and reporting the accounts of executors, administrators, guardians, trustees and assignees, the fees hereinafter mentioned and no more, to wit: on estates not exceeding ten thousand dollars, fifteen dollars, if over fifteen thousand dollars and not exceeding fifty thousand dollars, thirty dollars, and if over fifty thousand dollars, such fees as the court shall think reasonable.

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

Approved April 3, 1866.

CHAPTER CCCC.

An act to incorporate the Houston Oil Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac W. Nicholson, George M. Robeson, Daniel Holsman, William Hanna and Samuel S. Clark, and such other persons as may be associated with them, and their successors, are hereby created and declared to be a body politic and corporate in law, by the name and title of "The Houston Oil Company," and by that name shall continue in force for thirty years and have all the privileges and franchises belonging or incident to a corporation.

Amount of capital stock

2. *And be it enacted*, That the whole amount of the capital stock of said company shall be five hundred thousand dollars, to be divided into shares of five dollars each, or one dollar each, at the option of the directors, which shall be personal property, and be transferable on the books of said company.

Commissioners to receive subscriptions

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place or places in this state, and upon such notice as they shall direct; and at the time of subscribing for said stock, such amount on each share shall be paid, satisfied, or satisfactorily secured to said commissioners, as they, or a majority of them, shall determine; and the residue of the subscription shall be paid, satisfied or secured as the directors may determine, in such installments, at such times and places, in such manner, and to such person or persons as said directors shall from time to time direct, giving notice of such time and place, and person or persons, by a notice published in a newspaper printed and circulating in the county of Cumberland, for two weeks, at least once in each week; and upon the failure by any person to pay, satisfy, or secure the payment of the installments, or any of them, as aforesaid, the said directors shall have power to forfeit the shares of each and every person so failing, or any of them, to and for the use and benefit of the said company; and any shares of stock so forfeited, as aforesaid, may be held by the

said company, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company, as said directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto; the same in all respects as if they were original shares by them subscribed; and any land, property, or materials used in the business of the said company, received in payment or satisfaction of subscriptions for stock, shall be taken at a valuation approved by a majority of the stockholders.

Election of directors.

4. *And be it enacted*, That whenever fifty thousand dollars of the capital stock aforesaid shall have been subscribed, the commissioners, or a majority of them, shall, as soon as they deem expedient, give notice in such manner as they may determine of a meeting of the stockholders, at such time and place as they may designate, to choose nine directors, who shall hold their office for one year, and until others are duly elected; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall hold his office for one year, and until his successor is duly appointed; and in case of the death, resignation, or other incapacity of the president or any director, such vacancy may be filled by the board of directors for the remainder of the then current year.

Authority and powers.

5. *And be it enacted*, That the said company shall be, and they are hereby authorized and empowered to establish and carry on the business of developing oil lands, digging, boring and excavating mines, shafts and wells, and mining, producing and obtaining oil and other products, or minerals from the earth, and manufacturing in forms, refining, transporting, and vending the same, and for that purpose to purchase, rent, take, hold, occupy and enjoy, grant, demise, lease and convey, in this or any other state or territory, such and so many lands, mines, deposits, springs and wells, and such parts, shares and interests therein, as they may deem proper, in fee simple or any less estate; and to purchase, rent, hire, erect, build, hold, maintain and use, grant, demise, lease and convey such buildings, tramways, wells,

aqueducts, drains, tanks, engines, machinery, and other real and personal property as they may deem necessary or proper for developing their property and carrying on their business; and when by the laws of the state or territory where any of the property may be situate or be, the said company may not be authorized or capable to have, hold, enjoy or convey, rent and lease the same, or the legal estate therein, themselves or otherwise, when they may think proper, the said company may purchase, hire, rent, have, hold, use, enjoy, grant, lease and convey, any trust or other equitable or beneficial estate or interest, as cestui que trust or otherwise, in any property which may be purchased, hired, leased or held by trustees or other person for the use or benefit of said company, and the same shall make part of the value of and be represented by the stock of said company; *provided*, that the said company shall not be taxed in this state for or by reason of, or of any interest in any real estate situate in any other state or territory and taxed therein. Proviso.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint from their own number or otherwise a treasurer and secretary and such other officers of the board and of the company as they may deem necessary, and to fix their salaries; to borrow such sums of money as they may from time to time deem advisable for the purposes of said company, and to issue the bonds of the said company therefor, and secure the payment of the same by a mortgage or mortgages on the lands, estate, and other property of said company, and to make such by-laws, not inconsistent with the provisions of this act as they may think proper, regulating the issuing and transfer of stock and for the general government and management of the affairs of the company, and may have their office and hold their meetings in the city of New York, when they may at any time think it desirable so to do. May appoint officers.

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

Approved April 3, 1866.

CHAPTER CCCCI.

An act to provide for the cession of the road of "The President and Directors of the Springfield and Newark Turnpike Company," to the townships in which said road lies.

Cession of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever "The President and Directors of the Springfield and Newark Turnpike Company," shall cede and transfer to any township that part of their said road which lies within the limits of said township, and shall file one copy of their said act of cession and transfer in the office of the secretary of state of this state, and another copy in the office of the clerk of the said township, the said "The President and Directors of the Springfield and Newark Turnpike Company" shall be released and discharged of and from all authority and control over that part of their said road, and from all liability on account of the same; and the same shall thenceforth be to all intents and purposes a public road or highway of said township, and be subject to the same jurisdiction, authority and control over the same by said township as it has over the other roads and highways of said township; *provided, however*, that nothing in this act shall be so construed as to any way affect, impair or interfere with the grant, power and authority heretofore made or given by the said company to "The Newark and Irvington Horse Car Railroad Company," or any contract entered into by and between the said companies.

Proviso.

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

Approved April 3, 1866.

CHAPTER CCCCII.

A supplement to the act entitled "A supplement to the act entitled 'An act to incorporate the city of Camden,'" approved March fifth, eighteen hundred and fifty.

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 take effect immediately. Former supplement to act when to take effect.

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

Approved April 3, 1866.

CHAPTER CCCCIII.

Supplement to an act entitled "An act to authorize the establishment of a home for disabled soldiers," approved March twenty-third, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners under the act to which this is a supplement shall have power to purchase or receive by gift a leasehold of, or acquire by lease for a term of years, a site of grounds suitable and sufficient for the said home; and to rent or purchase any building or buildings that may be thereon; and to purchase or contract for materials for the enlarging, altering or repairing the same and for the erection of buildings suitable for the said home; *provided*, that the tenancy be for a term not less than five years, and that the rent shall not exceed the rate of one thousand dollars by the year, which rent shall be paid in like manner mentioned in the second section of the act to which this is a supplement for the payment of the purchase moneys. Commissioners may purchase or receive site and grounds

2. *And be it enacted*, That the site and ground so acquired and the buildings thereon, shall during the time the same shall be occupied for the purposes of said home be exempt from taxation. Exempt from taxation.

3. *And be it enacted*, That the moneys heretofore appropriated under the provisions of the act to which this is a supplement, may be applied as far as necessary to the payment of the said rent and the support of the said institution. Money appropriated how may be applied.

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

Approved April 3, 1866.

CHAPTER CCCCIV.

An act to authorize the inhabitants of Delanco, in the township of Beverley, in the county of Burlington, to improve and regulate their roads, streets, crossings and sidewalks.

May improve and regulate street, &c.

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 Beverley, in the county of Burlington, within the following boundaries, viz: beginning at the northeast end of the railroad bridge over the Rancocas creek, thence extending northeastwardly by the line of the railroad to the line which divides R. F. Wilmerton's land from land late of Anna Newton, thence by the said line to a stone corner to said Wilmerton's and Newton's land, thence by a line bearing north thirty-five degrees forty minutes west to the river Delaware, thence along the said river to the Rancocas creek, thence up the said creek to the place of beginning, to improve and regulate the roads, streets, street-crossings and sidewalks within the said limits as hereinafter provided.

Boundaries.

Road districts.

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

Election of superintendent of roads.

3. *And be it enacted*, That a meeting of the inhabitants qualified by law to vote at town meetings shall be held on third Saturday in the month of March next, and annually thereafter on the said third Saturday of March, at the schoolhouse in the said district, at seven o'clock in the afternoon (or at such place as the voters may elect), for the purpose of voting for, and shall then and there by a majority of the legal voters present, elect a superintendent of roads and streets for said district, and three commissioners, being judicious freeholders resident therein to serve for one year and until their successors are elected; *provided*, the first meeting may be held on the second Saturday of April, eighteen hundred and sixty-six; and in case any vacancy shall occur it shall be filled by a majority of the commissioners; the said commissioners shall give ten days' notice of said an-

Proviso.

nual meeting and such other special meetings as may be deemed necessary, by posting notices in three public places in said district; the said annual meeting shall determine by vote the amount of money to be raised which shall be in lieu of and exempt the inhabitants of said district from any other road tax of the township, to be expended under the direction of the commissioners, which shall not exceed the sum of 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 commissioners.

Duty of the board of commissioners.

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," and the said 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 improvements shall be made, the time and manner of making them, to direct the superintendent to have them made, and subsequently to meet from time to time to consider and determine what further improvements may be necessary or proper in accordance with the provisions and limitations of this act, 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; they shall have power to compel the removal of all nuisances and obstructions from the public streets and sidewalks.

Duty of superintendent.

5. *And be it enacted*, That it shall be the duty of the superintendent to meet the commissioners, receive and execute their orders, in conformity with the provisions of this act, to report on the state of the improvements made and requiring to be made at each meeting of the commissioners, and annually render an account to them of work done during the year; he shall receive for his services the same rate of compensation as overseers of the highway are entitled to by law.

Delaware avenu to be enclosed.

6. *And be it enacted*, That the proprietors of lots fronting on Delaware avenue within said district, or bordering on and extending to the Delaware river may and are hereby authorized to enclose said avenue or the street running along or nearest to the bank of said river; *provided*, said street so enclosed shall be appropriated to and used only as a lawn or for ornamental purposes.

Proviso.

Repealer.

7. *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.

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

Approved April 3, 1866.

CHAPTER CCCCV.

Supplement to an act entitled "An act to authorize the inhabitants of School district Number One, in the township of Plainfield, in the county of Union, to raise money to build School Houses," approved March ninth, eighteen hundred and forty-eight.

Power to raise money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the legal voters residing in the said school district number one may raise within the said district by tax, in the same manner as other moneys are raised for township purposes, any such sums of money, not to exceed the one-fourth of one per centum upon all the taxable property within the said school district, for the purpose mentioned in the act to which this is a supplement, as they or a majority of them may think proper.

Annual election of trustees.

2. *And be it enacted*, That the annual election of trustees for said school district shall be held at the special meeting of the inhabitants of the district as directed in the said act, instead of on the first Monday in April, as is now required.

Repealer.

3. *And be it enacted*, That all acts or parts of acts contrary to or inconsistent with the provisions of this supplement are hereby repealed.

4. *And be it enacted*, That this act shall be deemed a public act and shall go into effect immediately.

Approved April 3, 1866.

CHAPTER CCCCVI.

An act to ascertain by proper proof the citizens who shall be entitled to the rights of suffrage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be three persons appointed by the board of chosen freeholders for the several townships in their respective counties, and the common council for their several wards of their respective cities each of the political parties to be represented in the appointments, for each election district in the state, to be known as inspectors of registry and of elections; *provided*, that where the election district is composed of a township the assessor and collector of said township shall constitute two of said inspectors, the said inspectors shall make the registry hereinafter provided for said districts, and shall hold the elections hereinafter mentioned and preside at the same and have and possess all the powers and be subject to all the duties and liabilities of judges of election; such appointments shall be made during the month of August next, and the person so appointed shall take and file in the office of the clerk of the county, the following oath: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of New Jersey, and that I will faithfully discharge the duties of the office of inspector of registry of elections, according to the best of my ability;" the said inspectors shall receive from the clerk a certificate of such appointment; the said inspectors of elections shall meet annually, on Tuesday, three weeks preceding the general election, at nine A. M., at the place designated for holding the polls of said election, and organize themselves as a board for the purposes of registering the names of the legal voters of such district, and for this purpose they shall appoint one of their number chairman, who shall administer to the other inspectors the oath of office; and the same oath shall then be administered to the chairman by one of the other inspectors; the said board shall then proceed to make a list of all persens qualified and entitled to vote at the ensuing election in the election district of which they are inspectors; said list, when completed, shall constitute and be known as the

Appointment of inspectors and collectors.

register of election of said district; the said inspectors, at their first meeting, on Tuesday, three weeks preceding the general election, shall have power, if necessary, to sit two days for the purpose of making said register; *provided*, that, at the annual election, and prior to said meeting, the number of voters in the said district of which they are inspectors exceeded four hundred; vacancies occurring in any of such offices shall be immediately filled by the governor in the manner above provided by law; in case, on the day of election, any inspector shall, for any reason, fail to appear, his place may be supplied in the manner now provided by law for judges of elections; no person shall be eligible to be nor shall be appointed inspector of registry and elections unless he shall be a qualified voter within the district in which such election is situated, nor unless he can read and write and speak the English language understandingly; inspectors of registry and elections appointed in pursuance of this act shall receive compensation for every day employed the same as judges of election, and during the same they shall be exempt from the performance of military and jury duty; in cities no place shall be designated or used as a polling place unless the same be lighted with gas, in case gas is used in the district; the said inspectors shall designate and appoint polling places and places for registry in such election districts and give the requisite notice of such designation; the business of registry shall be carried on at the places so designated for that purpose, and the polls of election shall be held at the places designated for such purposes; the said inspectors shall act as judges of election and take the same oath as prescribed for the present judges of elections, and conduct the election according to law; it shall be the duty of said inspectors to be in constant attendance during the hours allotted for the discharge of their several duties, and any inspector who shall wilfully absent himself from his duties shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not less than twenty-five dollars nor more than one hundred dollars; any person acting as inspector without the qualifications herein prescribed, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by fine not exceeding five hundred dollars, or imprisonment not more than one year.

Proviso

2. *And be it enacted*, That said register shall contain a list of the persons so qualified and entitled to vote in said elec-

List of persons qualified to vote to

tion district, alphabetically arranged according to their respective surnames, so as to show in one column the name in full length, and in another column in cities and incorprated villages the residence by the number of the dwelling, if there be a number, and the name of the street or other location of the dwelling place of each person; the said inspector shall complete, as far as practicable, the said register on the day of their meeting aforesaid, and shall make four copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known to them; within ten days thereafter the said orlginal list shall be filed by the said inspectors in the office of the county clerk, and one copy of said list shall be kept by each inspector, and carefnlly preserved by him for their use on the day or days hereinafter mentioned, for revision and correction; one copy of the said list shall, immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same or make copies thereof; any person who shall take or tear down or deface any list so posted shall be deemed guilty of misdemeanor, and shall be punished by a fine of fifty-dollars, or imprisonment for ninety days.

Meeting of inspectors.

3. *And be it enacted*, That the said board of inspectors shall meet on Thursday of the week preceding the day of the general election in their respective election district in such place as may be designated by them for holding the polls of election for the purpose of revising and correcting said lists, and for this purpose they shall meet at nine o'clock in the morning and remain in session until nine o'clock P. M., of that day, and they shall then revise, correct, add to and subtract from and complete the said lists, and shall on that day add to the same the name of any person who would on the said day of election be entitled under the provisions of the constitution and the laws of this state to exercise the right of suffrage in their respective election districts.

Proceedings of the board of inspectors to be public

4. *And be it enacted*, That the proceedings of said board of inspectors shall be open, and all persons residing and entitled to vote in said district shall be entitled to be heard by said inspectors in relation to corrections or additions to said register; one of the lists so kept by said inspectors as aforesaid shall be used by them on the day or days for making corrections or additions for the purpose of completing the registry for such district; no addition shall

be made to the said register of the name of any person, nor shall the name of any person be placed thereon, except of one who shall have appeared in person before the said board, and any person not born in the United States, on applying have his name placed on the registry shall prove that he is a citizen of the United States by producing a certificate of naturalization from a court of competent jurisdiction, and the certificate shall be endorsed with the date of exhibition; nor shall any other proof of his being a citizen be received, unless he has been registered at the last election, and known by a majority of the inspectors as a legal voter, and in places not incorporated the inspectors shall take the poll list of the last general election and use the same for the purpose of preparing the list of voters for the ensuing election, amending, altering and revising the same in such manner as to make a complete list in pursuance of the provisions of this act.

Duty of inspectors.

5. *And be it enacted*, That it shall be the duty of said inspectors at their meeting for revising and correcting said list, to erase therefrom the name of any person inserted therein who shall be proved to the satisfaction of said inspectors to be a non-resident of said district or otherwise not entitled to vote in said district at the election then next to be held; any elector residing in said district and entitled to vote therein may appear before said board of inspectors and require his name to be recorded on said alphabetical list, and upon complying with the requirements of this act the name shall be recorded; any person so requiring his name to be entered on said list shall make the same statement as hereinbefore mentioned and shall be subject to the same fines and penalties for refusing to give such information, for falsely giving the same, and shall be also subject to challenge, either by the inspectors or either of them, or by any elector whose name appears upon said alphabetical list, and the same oath shall be administered by the inspectors as may by law be administered to persons offering to vote at an election.

Copies of lists to be made.

6. *And be it enacted*, That after said list shall have been fully completed, the said inspectors shall cause four copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the county clerk of the county and one of which copies shall be retained by each of the said inspectors; it shall be the duty of the said in-

spectors carefully to preserve the said list for their use on election day, and to designate one of their number at the opening of the polls to check the name of every voter voting in such district whose name is on the register; and no vote shall be received or his ballot deposited at any annual election in this state where they vote by ballot unless the name of the person offering to vote be on the said registry, made and completed as hereinbefore provided, preceding the election, and the inspectors shall check such name on the list before receiving the vote, and any person whose name is on the registry may be challenged, and the same oaths shall be put as are now prescribed by law; and the number of hours for labor on election days shall be limited to eight, this section shall be taken and held by every judicial or other tribunal as mandatoty and not as directory; and any vote which shall be received by the said inspectors of election in contravention of this section shall be void and shall be rejected from the count in any legislative or judicial scrutiny into any result of the election.

Duty of clerks.

7. *And be it enacted*, That the clerks at each poll, in addition to the duties now prescribed by law, shall enter on the poll list kept by them in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of inspectors in making the registry; but such is not to be made by them if the registry contains correctly the name and residence of such voter; every person at the time of offering his vote shall, truly state the street in which he resides, and if the house, lodging or tenement in which he resides, is numbered, the number thereof; and the clerks of the polls shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number in case the house, lodging or tenement is numbered, and if the same is not numbered, then the clerks shall enter, "not numbered," in the column of the poll list for entering the number, and in case of refusal to make the statement as aforesaid, the vote of such elector shall not be received; any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished with a fine of fifty dollars, or by imprisonment in the county jail of the county, or the city prison of the city where such voter offers to vote, for a period of ten days, or by both such fine and imprisonment.

Poll list and register to be filed.

8. *And be it enacted*, That after the canvass of the votes, the said poll list and said register so kept and checked as aforesaid, shall be attached together, and shall within three days be filed in the office of the clerk of the county.

Registers to be open to inspection.

9. *And be it enacted*, That the registers shall at all times be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

Compensation of inspectors.

10. *And be it enacted*, That the members of the board of inspectors acting as judges shall receive the same compensation as is allowed by law for judges of election of the registry and receiving the votes, to be paid to them at the time and in the manner in which they are paid their other fees; the necessary blanks instructions, and other incidental expenses incurred in executing the provisions of this act shall be provided and paid for in the manner now provided for the payment of incidental expenses of election of the like character.

Inspectors may administer oaths.

11. *And be it enacted*, That any of the inspectors may, at any authorized meeting of the board, administer the oaths required by law to test the qualifications of electors, and may also administer on the day of the making and completion of the list, to any elector of the district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, the following oath: You do swear, or affirm, that you are an elector of this election district; that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an elector of the person now claiming the rights to be registered as a voter in this district; and whoever shall make a false oath shall be deemed guilty of perjury.

Penalty for perjury, &c.

12. *And be it enacted*, That any person who shall cause his name to be registered in more than one election district, or shall cause his name to be registered knowing that he is not a qualified voter in the ward or district where said registry is made, or who shall falsely personate any registered voter, and any person causing any such act or aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offence by fine of one hundred dollars or imprisonment for not more than one year; all persons swearing falsely before said board of registration shall be deemed guilty of wilful and corrupt purjury, and on conviction punished as such; if any member or officer of said board or who shall refuse to register any person legally enti-

tled to vote at the ensuing election or shall wilfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished for each and every offence by imprisonment in the state prison for not more than one year, or fine not exceeding five hundred dollars.

Charter elections.

13. *And be it enacted*, That the same list required to be made and perfected at general elections shall in the same manner be made and perfected by the inspectors of all elections for charter officers in the several cities in this state where they vote by ballot, and the provisions and requirements in this act, so far as the same may be, are made applicable to such charter election, on which occasion they shall use the register of elections made and perfected at the general election immediately preceding, which said register shall be revised, corrected and completed in the manner herein provided for revising, correcting and completing the register of electors made on the Tuesday three weeks preceding the election of general elections.

Election of inspectors of registry.

14. *And be it enacted*, That at the next November general election and on each succeding November election, three persons shall be elected as inspectors of registry for each election district, for the term of one year who shall possess the powers be required to perform the duties and be subject to the liabilities mentioned in the first section of this act, no ballot for this purpose shall contain more than two names; in case more than two names are voted for, the ballot shall only be void as to said inspectors, and the three persons who receive the highest number of votes shall be deemed and taken to be elected inspectors of registry; in case two persons shall receive an equal number of votes, the first person named on the ballot for inspector of registry thall be elected.

Polling districts not to contain more than eight hundred voters.

15. *And be it enacted*, That when the present polling places contain more than eight hundred voters, it is hereby enacted that those polling places shall be divided up so as to contain not more than eight hundred voters in each polling district; and the mayor and common council in the different cities, and the town committee in the different townships are hereby required to prepare the boundaries of said divided polling places on or before the first day of June next, viz: on the first day of June, in the year one thousand eight hundred and sixty-six, and file one copy of said boundaries of the polling districts in the office of the secretary of state, one

in the office of the clerk of the county, and one in the office of the mayor of said cities; in case the mayor and common council or town committee shall not establish these boundaries of the divided poll districts, and file the description in the said offices, it shall be the duty of the governor to make said division on or before the first day of July, and establish the boundaries and file said description of the boundaries in the offices above mentioned; the inspectors of register shall give two weeks previous notice in said divided poll districts and in the other districts by publication in a newspaper, and posting up hand-bills of the time of commencing the registry, revising the same and for the election.

Duty of county clerk

6. *And be it enacted*, That the secretary of state shall cause this law to be printed, and a sufficient number of copies thereof sent to the county clerks of the several counties, to supply each of the officers named in this act with a copy; and it shall be the duty of the county clerks, immediately, to transmit a copy of the same to each of the inspectors of election in each city, township and county.

When to take effect

17. *And be it enacted*, That this act shall take effect on the first day of May, eighteen hundred and sixty-six, and all laws conflicting with this act are hereby repealed.

Approved April 4, 1866.

CHAPTER CCCCVII.

An act to incorporate the Tidewater Company.

Preamble.

WHEREAS, in the judgment of the Legislature of the state of New Jersey, the tidewater marshes adjoining Newark bay and its tributary streams cannot profitably be drained by individual owners thereof; and whereas, the revenues of the state would be largely increased from the taxes on said marshes when properly fitted for occupancy and use; and whereas, the maintenance of said drainage will be a public work, requiring continuous and constant care to protect the interests of the large number of persons who may use and occupy said lands, and who by such occupancy and use would add considerably to the wealth and population of the state; and whereas, the frequent over-

flowing of said marshes materially interferes with the construction, maintenance and use of suitable highways of travel thereon for the accommodation of the people; and whereas, said marshes in their present condition are detrimental to the public welfare of the populous communities in their vicinity; therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter C. Schenck, junior, Hugh Riddle, Albert A. Hopper, Josiah T. Wilcox, Joseph W. Guppy, Henry C. Spaulding, Dudley S. Gregory, junior, John M. Cornelison, John Hopper, Richard Lowe, and such other persons as 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 Tidewater Company," and by that name they and their successors and assigns shall and may have continual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal and the same at pleasure to alter, and they and their successors by the same name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one million dollars, which shall be divided into ten thousand shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of the said company shall direct.

Election of directors.

3. *And be it enacted*, That the said company shall choose nine directors on the first Monday in December in each year, who shall be stockholders, and the persons mentioned in the first section of this act shall be the directors until the annual election; said directors shall at their first meeting or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors or a majority of them, and in case of the absence of the president, the said board of directors or a majority of them may appoint a president pro tempore, who shall have such power

and functions as the by-laws of the said company shall provide.

Not dissolved by 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 company shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Powers of directors

5. *And be it enacted*, That five directors of the said company shall be competent to transact all the business of the said company, and they shall have power to call in the capital stock of said company, by such installments and at such times as they may direct, and in case of the non-payment of said installments or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall seem needful and proper, touching the management and regulation of the stock, property, estate, and effects of the said company, and also shall have power to appoint a treasurer and a secretary, and as many clerks and servants, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

May reclaim and drain.

6. *And be it enacted*, That said company may reclaim and drain the wet or overflowed lands in and about the tide-water marshes of Newark bay, and of the streams flowing into said bay, except those which are embraced within the counties of Bergen and Essex, and may receive an annual compensation therefor in the manner hereinafter provided; and said company may contract, maintain and use all dykes, dams, ditches, drains, sluices, engines, pumps and other works, structures or machinery, necessary or convenient thereunto.

May borrow money.

7. *And be it enacted*, That said company may borrow money and issue its bonds therefor and may secure them by mortgage upon its property and franchises, not exceeding in amount the sum of its authorized capital, and not to be sold less than ninety per centum of their par value,

Commissioners.

8. *And be it enacted*, That any justice of the supreme court may appoint a board of three commissioners of said lands and may fill all vacancies in said board, and may appoint others in their places at the expiration of their respective terms of office and shall fix their compensation; and the term of office of each of said commissioners shall continue

for nine years, except that of those first appointed, one shall hold office for three years, and one for six years, and said company may make application for such apppointments after thirty days' publication of notice of such application in two or more newspapers published in each of the counties where the lands lie.

Commissioners may make contracts.

9. *And be it enacted*, That said commissioners may contract with said company for the construction, maintenance and management of suitable dykes, drains, ditches, dams, sluices, engines, pumps, and all other machinery, works and structures necessary or useful in the improvements required to fit said lands for occupancy and use and for the maintenance of the drainage therefrom, and may contract for the drainage thereof, and shall pay said company such annual compensation therefor as said contract shall specify; and the said commissioners shall report such contract to any justice of the supreme court or judge of the circuit court of the counties in which the said lands lie for confirmation, and said contract shall not go into effect until so confirmed.

Commissioners to make assessment

10. *And be it enacted*, That said commissioners after making the contract provided for in the next preceding section of this act, and after the reclaiming of said lands or any part thereof shall have been completed according to said contract, shall assess upon the said lands so reclaimed a just proportion of the contract price and of the expenses of said commission, and shall cause the same to be collected annually, and shall pay the stipulated compensation to said company; *provided however*, if said company shall fail to keep any portion of said lands drained so as to be fit for occupancy and use, said commissioners shall not collect or cause to be collected any tax upon such portion of said lands in the year or years when such failure shall happen.

Proviso.

List of unpaid assessments to be filed.

11. *And be it enacted*, That said commissioners shall in each year file a list of their unpaid assessments on said lands in the office of the county clerk of the county, wherein said lands are located, and said assessments shall thereupon become a lien on said lands, and in default of payment for the space of two months thereafter, said lands, after eight weeks' advertisement in one or more public newspapers of the county, shall be sold at public sale for the shortest term of years, by said commissioners, to any person or persons who will pay the amount of said tax and the expenses of said sale; and any of said lands so sold may be redeemed from such sale by the owner or owners thereof within three

years from the date of said sale by paying to said commissioners, for the benefit of the purchaser thereof the sum paid by the said purchaser at said sale with interest thereon, at the rate of twelve per centum per annum; but if any of said lands are not so redeemed as aforesaid within three years from the date of the sale thereof, then the purchaser thereof shall continue to have, hold, use, enjoy and possess such land so sold during the full term for which said sale shall have been made; and said company may at any time become the purchaser at such sale if they deem it necessary to protect the interests of said company, and any two of said commissioners may exercise any of the powers or perform any of the duties hereinbefore, or which may be hereafter, delegated to or enjoined upon said commission.

May lay out and erect works, &c.

12. *And be it enacted*, That it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such dykes, dams, ditches and drains as shall be found necessary and of locating the same, and to do and erect all necessary works, structures, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such dykes, dams, ditches, drains and the location of other necessary works and structures shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the secretary of state, then it shall be lawful for the said company, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to erect embankments and all other necessary works and structures, and to do all other things which may be suitable or necessary for the drainage of said lands, subject to such compensation as is hereinafter provided;

Proviso.

provided always, that the payment or tender of the payment of all damages for the occupancy of the lands through or upon which said dykes, dams, ditches, drains and other works or structures may be laid out or located, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dykes, dams, ditches, drains, and other works or structures,

unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when company and owners cannot agree.

13. *And be it enacted*, That if the said company or its officers or its agents cannot agree with the owner or owners of such required land for the use and purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said dykes, dams, ditches, drains, and other works and structures, shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if known, and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as 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 mentioned, at which time upon satisfactory evidence to him of the service or publication of service, or publication of such notice aforesaid; he shall appoint three disinterested commissioners to assess the price or value of said land, who shall be sworn or affirmed before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land, and the quantity taken, by whom owned and how situate and bounded in writing under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein said lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and

power to hear and adjudge the same, and if required they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against said company and execution issued if need be; but if the said jury shall be demanded by the owner or owners and shall find the same or a less sum than the commissioners awarded, the costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners or execution issue therefor as may be directed by the said court, and upon payment or tender of the sum so found by the said commissioners or by the jury, with costs, if any, the said company shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid; but such application shall not prevent the said company from taking the said land upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof or (the owner or owners thereof being under legal disability) the same being first paid into the court of chancery.

Dividends. 14. *And be it enacted*, That the president and directors of said company shall, within one year after the reclaiming of said lands shall have been completed, declare and make such dividends as they 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 and proper.

Limitation 15. *And be it enacted*, That said company shall commence work within one year after making the aforesaid contract, and shall complete the same within five years thereafter, and in case of failure to do so their rights therein shall cease and Proviso. become extinct, and their charter shall be forfeited; *provided however*, that any period of time in which said company shall be restrained by injunction shall not be reckoned against them in the aforesaid limitation.

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

Passed April 4, 1866.

CHAPTER CCCCVIII.

An act to prevent the disturbance of the meetings of the Monmouth County Agricultural Society.

Sale of liquors prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person or persons to erect place or have any booth, stall, tent, carriage or other place for the purpose or use of selling, giving or otherwise disposing of any kind of articles of traffic, provisions, spirituous liquors, wine, porter, beer, cider or any other fermented, mixed or strong drink, (except as hereinafter excepted,) within six hnndred yards of the grounds now owned or which hereafter may be owned or rented by the said agricultural society during the time of holding the meetings or exhibitions of the same.

Penalty for selling.

2. *And be it enacted*, That if any person or persons shall or do violate this act by erecting, fixing or having any booth, stall, tent, carriage or other place for the purpose or use aforesaid, or by selling, bartering, giving or otherwise disposing of any kind of articles of traffic, provisions, spirituous liquors, wine, porter, beer, cider or other mxed, fermented or strong drink, in, at or about any such booth, stall, tent, carriage or other place, prepared or used for the purposes aforesaid, within six hundred yards of the grounds now owned or which hereafter may be owned or rented by the Monmouth County Agricultural Society, during the time of holding the meetings or exhibitions of the same at such place, the person or persons so offending shall be first informed of his, her or their violation of this act, and shall be warned by any justice of the peace, constable or two members of the said society to desist from such offence and to remove such booth, stall, tent and carriage together with all such articles of traffic, provisions, spirituous liquors, wine, porter, beer, cider or other strong drink belonging or in the possession of the person or persons so offending, and if such person or persons on receiving such information and warning shall forthwith cease to offend against this act, and shall remove, as aforesaid, at least six hundred yards from the said grounds or place of holding the meetings or exhibitions of

said society, then no further proceeding under this act shall be had against such person or persons; but if such person or persons shall refuse or neglect immediately to remove as aforesaid when informed and warned as aforesaid, then all the said articles of traffic, spirituous liquors, wine, porter, beer, cider and other fermented, mixed and strong drinks, and all the vessels, chests and other things containing the same, together with such booth, stall, tent, carriage or other place prepared or used for the purpose aforesaid, shall be, and are hereby declared to be forfeited, and it shall be lawful for any justice of the peace and constable, with two members of the said society, to seize and take possession of all or any part of the said forfeited articles and liquors, together with such booth, stall, tent and carriage or other thing, and at any time within ten days after to advertise and sell the same; and after deducting and paying the necessary and lawful expenses of such seizure and sale, the residue of the proceeds of such sale or sales, shall be paid to the overseer of the poor of the township where the offence shall have been committed, for the use of the poor thereof.

Licensed persons not affected.

3. *And be it enacted*, That nothing in this act contained shall be taken or construed so as to effect any licensed tavern keeper in his or her lawful or ordinary business at his or her usual place of residence specified in his or her license, nor shall it be so taken and construed as to effect any merchant, shop-keeper, farmer, mechanic or other person in the usual and lawful transaction of his, her or their ordinary concerns and business in their usual places of doing such business.

Approved April 4, 1866.

CHAPTER CCCCIX.

An act for the relief of Joel M. Johnson.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That Joel M. Johnson, of the county of Passaic, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

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

Approved April 4, 1866.

CHAPTER CCCCX.

An act to incorporate the New Jersey Silver Mining Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Harris Cogill, Andrew Dutcher, and Joseph Tucker, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the "New Jersey Silver Mining Company," and by that name shall have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, in any court of record and elsewhere, and in receiving and granting in its corporate name, property, real, personal and mixed, and of holding and improving lands, working mines wherever situated, and leasing and disposing of privileges, to work such lands or mines or any part thereof, and to separate metals from ores, and to do such other acts as may belong to the mining business as they may deem proper. Names of corporators

2. *And be it enacted*, That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure and to adopt a common seal and to alter the same; *provided*, that the said by-laws shall not be contrary to the constitution and laws of the United States and the state of New Jersey. Powers. Proviso.

3. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into shares not less than five nor more than fifty dollars, which shall be fixed by the by-laws, and the business of the company shall be managed by seven directors, a majority of whom shall be residents of the state of New Jersey, who shall be elected annually by the stockholders at such time and in such manner as the by-laws shall provide, but the Amount of capital stock

corporators herein named shall be the first directors, hold their respective offices until their successors shall be elected.

Location of principal office.

4. *And be it enacted*, That the company may carry on its business and establish necessary offices, under the direction of the directors, in such places as they may deem expedient, but the principal office shall be located in the state of New Jersey.

Approved April 4, 1866.

CHAPTER CCCCXI.

An act to incorporate the Clinton Station General Merchandise and Manufacturing Company.

Names of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter F. Hoffman, Nathan Hoffman, William E. Hoffman, Jacob R. Fisher, Theodore H. Risler and Ira C. Harvey, and such other persons as may be associated with them and their successors, are hereby created and declared to be a body politic and corporate in law, by the name and title of "The Clinton Station General Merchandise and Manufacturing Company," and by that name shall have succession and all the privileges and franchises belonging or incident to a corporation, and their principal place of business shall be Clinton station, Hunterdon county, where their books shall be kept.

Amount of capital stock

2. *And be it enacted*, That the whole amount of capital stock of said company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and be transferable on the books of said company.

Commissioners to receive subscriptions

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place or places in this state, and upon two weeks' notice in one of the newspapers of said county of Hunterdon as they shall choose, and at the time of subscribing for such stock, such amount on each share shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall determine and announce in their said

notice, and the residue of the subscription shall be paid, satisfied or secured as the directors may determine, in such installments at such time and places, in such manner and to such person or persons as said directors shall from time to time direct, giving notice of such time and place, and person or persons, by a notice published in a newspaper printed and circulating in the county of Hunterdon, for two weeks at least once in each week; and upon the failure of any person to pay, satisfy or secure the payment of the installments or any of them as aforesaid, the said directors shall have power to forfeit the shares of each and every person so failing, or any of them, to and for the use and benefit of the said company; and any shares of stock so forfeited as aforesaid may be held by the said company or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company as said directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed, and any land, property or materials used in the business of the said company, received in payment, or satisfaction of subscriptions for stock, shall be taken at a valuation approved by a majority of the stockholders.

Election of directors.

4. *And be it enacted*, That whenever seventy-five thousand dollars of the capital stock aforesaid shall have been subscribed and fifty per centum thereof paid in, the commissioners, or a majority of them, shall, as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place as they may designate, to choose five directors, who shall hold their office until the first Tuesday after the first day of January next ensuing or until others are duly elected; and the annual election of officers shall be on that day, on each and every year thereafter; 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 stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall hold his office for one year from the annual election aforesaid and until his successor is duly appointed, and in case of the death, resignation or other

incapacity of the president or any director, such vacancy may be filled by the board of directors for the remainder of the current year.

May hold lands and real estate.

5. *And be it enacted*, That the said company shall be and they are hereby authorized and empowered to establish and carry on the business of merchandise, manufacturing, and of developing oil lands, and producing and obtaining oil and other minerals from the earth, and refining, transporting and vending the same, cutting, rafting and selling lumber, and for that purpose to purchae, rent, lease and convey in this or any other state or territory, such and so many lands, mines and wells and such interests therein as they may deem proper, in fee simple or any less estate; and to purchase, rent, build, lease and convey such real and personal property as they may deem necessary and proper for developing their property and carrying on their business; and when, by the laws of the state or territory where any of the property may be situated, the said company may not be authorized or capable to have, hold or convey and lease the same themselves, when they may think proper the said company may purchase, hire, lease and convey any trust or other equitable or beneficial estate or interest, as cestui que trust or otherwise, in any property held by trustees or other person for the use and benefit of said company; and the same shall make part of the value of and be represented by the stock of said company; *provided*, that the company shall not be taxed in this state for or by reason of or of any interest in any real estate situated in any other state or territory and taxed therein.

Proviso.

Powers of directors.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint from their own number, or otherwise, a treasurer and secretary, and such other officers of the board and of the company as they may think necessary, and to fix their salaries; to borrow such sums of money as they may from time to time deem advisable for the purpose of said company, not exceeding the sum of one hundred thousand dollars and to issue the bonds of the said company therefor, and secure the payment of the same by mortgage or mortgages on the lands, estate and other property of said company, and to make such by-laws, not inconsistent with the provisions of this act, and of the laws of this state, as they may think proper, regulating the issuing and transfer of stock, and for the general government and management of the affairs of the company.

7. *And be it enacted*, That no dividend shall be made to and among the stockholders except out of the profits of said corporation. Dividends.

8. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for the period of thirty years, but subject to be altered, amended, or repealed at the pleasure of the legislature. Limitation.

Approved April 4, 1866.

CHAPTER CCCCXII.

An act to provide for the drainage of certain low lands lying in the city of Hoboken and the township of Weehawken.

WHEREAS, the council of the city of Hoboken for the purposss of this act have named as commissioners William W. Shippen, John M. Board and Newman A. Wood and the town committee of the township of Weehawken have named as commissioners Joshua J. Benson and Ebenezer Flynt; therefore, Preamble

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That William W. Shippen, John M. Board and Newman A. Wood of the city of Hoboken, and Joshua J. Benson and Ebenezer Flynt of the township of Weehawken, be and they are hereby appointed commissioners to drain certain low lands lying in the city of Hoboken and the township of Weehawken; that the term of office of each of said commissioners shall continue for five years from the date of the passage of this act, and the council of the city of Hoboken and the town committee of the township of Weehawken shall have power at any time for cause, to remove any commissioners from office, and whenever any commissioner hereby or hereafter to be appointed shall remove from said city or township, he shall cease to act as commissioner and his office shall be deemed to be vacant; any vacancy in the commission, no matter from what cause occuring shall be filled by the council of the city of Hoboken, if the vacancy occurs in the commissioners from said city and by the town committee of the township of Weehawken, if the vacancy occur from said township. Names of commissioners

Corporate name.

2. *And be it enacted*, That the said commissioners shall be and they are hereby empowered to use a common seal and shall be known by the name of "Commissioners to drain certain low lands lying in the city of Hoboken and the township of Weehawken," and in that name may sue and be sued, implead and be impleaded in any court of competent jurisdiction, and said commissioners shall have power to reclaim and drain any of the low lands lying in the city of Hoboken and township of Weehawken, said improvement to be done as nearly as practicable, in accordance with two certain maps made by Robert C. Bacot of Jersey City and Levi W. Post of Hudson City, dated 1st February, 1866, one for sewerage and one for grades of the lands known as the lands of the estate of John G. Coster, deceased, in the city of Hoboken, which said maps are hereby established and confirmed together with the monuments shown thereon; *provided*, the same shall be filed by the owners thereof in the office of the clerk of the city of Hoboken and said commission shall have power to construct, maintain, manage and use all dykes, dams, tide banks, ditches, drains, sluices, sluice gates, engines, pumps, and all other works, structures and machinery necessary, useful or convenient to reclaim and drain said low lands or any part thereof; they shall also have power to employ a competent surveyor and engineer and such other agents and officers as they may deem necessary, make or cause a map or maps to be made of said low lands or any part thereof, file the same in the office of the clerk of the city of Hoboken, cause descriptions and specifications of the work or any part thereof to be prepated, advertise for proposals to perform said work or any part thereof and contract with any person for the performance of said work or any part thereof, issue improvement certificates in payment therefor, payable at such time or times as they may therein designate, take bonds with sufficient sureties from any officer, agent or contractor employed by said commission for the faithful performance of any duty or work entrusted to them, and generally to do every act and thing necessary to complete and maintain a proper drainage of said low lands or any part thereof; any three of said commissioners may exercise any of the powers or perform any of the duties hereinbefore, or which may be hereafter delegated to or enjoined under said commission.

Commissioners to make assessments.

3. *And be it enacted*, That said commissioners after making the contract provided for in the preceding section, and after

draining of said lands or any part thereof shall have been completed according to said contract, shall assess upon the said lands so drained and upon all the lands in said city and township benefitted thereby and upon any corporation benefited thereby, a just proportion of the expenses of said commission, and shall cause the same to be collected by such officer and in such manner as they shall determine; and said commissioners may, if they deem it advisable, file in the clerk's office of the city of Hoboken an assessment map showing all the lands assessed for said improvement, the owners thereof if the same, as near as can be ascertained, and the amount of assessment on each plot of land as shown on said map.

Assessments to be a lien on lands.

4. *And be it enacted*, That the said commissioners within one month after the draining of said lands or any part thereof shall have been completed according to said contract, shall file a list of their unpaid assessments on said lands in the office of the clerk of the city of Hoboken, and said assessments shall thereupon become a lien on said lands until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and said lien shall have precedence of all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage on said lands or sale of said lands under any judgment, the said unpaid assessment thereon shall be first paid out of the proceeds of sale; in default of payment for the space of two months thereafter, said lands, after four weeks' advertisement in a public newspaper in the city of Hoboken, shall be sold at public sale for the shortest term of years, by said commissioners, to any person or persons who will pay the amount of said assessment or the balance thereof remaining unpaid, and interest thereon at the rate of twelve per centum per annum from the date of filing said list of unpaid assessments in the said city clerk's office; and the expenses of said sale; *provided*, any of said lands so sold may be redeemed from such sale by the owner or owners thereof within two years after the sale, by paying to the clerk of the city of Hoboken for the benefit of the purchaser thereof, the sum paid by the said purchaser at said sale, with interest thereon at the rate of fifteen per centum per annum, and said commissioners, under the hand of their president and the seal of said commission, immediately after said payment shall file with the clerk of said city of Hoboken, a certificate stating that the said assessment has been paid, and directing it to be cancelled by

said clerk, and thereupon on receiving said certificate said clerk shall file the same in his office and mark said assessment paid and cancelled; if any of said lands are not so redeemed as aforesaid within two years from the date of the sale thereof, then the said commissioners under the hand of their president, attested by the seal of said commission, shall execute leases to the purchasers, their heirs and assigns, at their request, of said unredeemed lands for the number of years for which the same shall have been sold as aforesaid, and said lease shall be acknowledged or proved so as to entitle it to be recorded; and the said purchasers shall by virtue thereof lawfully hold, use, enjoy and possess such lands so sold during the full term for which said sale shall have been made; the sale of lands, tenements and hereditaments hereinbefore referred to or any portion thereof may be adjourned, postponed or continued, from time to time, or suspended, as the said commissioners may direct.

Commissioners may survey and explore.

5. *And be it enacted*, That it shall be lawful for the said commissioners, their agents, engineers, superintendents, or others in their employ, to enter upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such dykes, dams, tide banks, ditches and drains as shall be found necessary, and of locating the same, and to do and erect all necessary works, structures, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such dykes, dams, tide banks, ditches, drains and the location of sluices and other necessary works and structures shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the clerk of the city of Hoboken, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to erect embankments and all other necessary works and structures, and to do all other things which may be suitable or necessary for the drainage of said lands, subject to such compensation as is hereinafter provided; *provided always*, that the payment or the tender of the payment of all damages for the occupancy of the lands through or upon which said dykes, dams, tide banks, ditches, drains, sluices and other works or structures may be laid out or located, be made before the said commissioners, or any person under their direc-

Proviso.

tion or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said dykes, dams, tide banks, sluices, ditches, drains, and other works or structures unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when commissioner and owners cannot agree.

6. *And be it enacted*, That if the said commissioners, or its officers, or its agents, cannot agree with the owner or owners of such required land for the use and purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said dykes, dams, tide banks, sluices, ditches, drains, and other works and structures, shall be given in writing, under the oaths or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if known, and their residence, if the same can be ascertained, to any justice of the supreme court, who shall cause the said commissioners 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 one week and not more than one month, and to assign a particular time and place for the appointment of the commissioners mentioned, at which time, upon satisfactory evidence to him of the service, or publication of service, or publication of such notice aforesaid, he shall appoint three disinterested commissioners to assess the price or value of said land, who shall be sworn or affirmed before the said justice faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situate and bounded, in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein said lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next

term after such decision and award by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said commissioners, and they shall find a greater sum than the said commissioners, then judgment shall be given against said commissioners; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said commissioners shall be deemed to be seized and possessed in fee simple of such lands and real estate appraised as aforesaid; but such application shall not prevent the said commissioners from taking the said land upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or (the owner or owners thereof being unknown or out of the state or under legal disability) the same being first paid into the court of chancery.

May borrow money.

7. *And be it enacted*, That said commissioners shall have power to borrow money and issue bonds in payment therefor, bearing interest at the rate of seven per centum per annum, and said bonds shall be paid out of any moneys collected by the said commissioners under this act; the said bonds shall be signed by the president and sealed with the seal of said commission, and shall be payable at such time or times as said commission may deem proper.

Commissioners to make oath.

8. *And be it enacted*, That no commissioner shall enter on the duties of his appointment until after he shall have taken and subscribed an oath faithfully and impartially to perform the duties required of him by this act; and the clerk of the city of Hoboken is hereby required to record said oath, and also record or file, as requested, all maps, certificates and papers relating to the improvement specified in this act presented to him for that purpose by either of said commis-

sioners, and he shall endorse a certificate of such recording or filing on such maps, certificates and papers.

9. *And be it enacted*, That the said commissioners shall designate one of their number as president, and one as treasurer of said commission, and all moneys collected by said commission, or any of its officers or agents, shall be paid to said treasurer, who shall, before entering upon the duties of his office as treasurer, give bonds in the penal sum of ten thousand dollars for the faithful performance of his duties, and he shall not pay out any money unless upon the written order of two of said commissioners, of whom the president shall be one. Duties of treasurer

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

Approved April 4, 1866.

CHAPTER CCCCXIII.

An act to authorize the executors of William McKee, deceased, to sell certain lots in the town of Gloucester.

WHEREAS, it has been represented to the legislature that William McKee, late of the city of Philadelphia, deceased, by virtue of a deed from David Roe and wife, dated July twenty-seventh, anno domini eighteen hundred and sixty-three, recorded in Camden, in deed book number forty-two, page two hundred and two, etcetera, etcetera, became seized in his lifetime of three certain lots of ground in said town of Gloucester, in the township of Union, county of Camden, and state of New Jersey, as therein particularly described, and being so thereof seized, died having by his last will, dated September third, anno domini eighteen hundred and sixty-one, and a codicil thereto, dated October first, anno domini eighteen hundred and sixty-three, given and devised all the residue of his real and personal estate unto his executors, Louis C. Norris and John A. Armstrong, and their heirs in trust for the use of the said testator's daughters for life with remainder to such persons as they should by will appoint, and the said testator did by his said will authorize his said executors to sell his Preamble.

mansion house, but gave no specific power to them to sell said lots in Gloucester; and whereas, it has been represented that the said lots are wholly unimproved and unproductive, and it is desirable that they should be sold in order to settle the estate of said William McKee, deceased; therefore,

Powers to sell grounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Louis C. Norris and John A. Armstrong, executors aforesaid, or the survivor of them, be and they are hereby authorized and empowered to sell the said three lots of ground at public or private sale, and to make and execute a good and valid deed or deeds therefor to the purchaser or purchasers of all the estate and title that the said William McKee had and held therein at the time of his death, and to give a full receipt and acquittance to such purchasers for the purchase money free of all trusts; *provided, always*, that the said executors shall hold and apply the proceeds of such sale or sales in trust for the same uses and purposes expressed and contained in the said will and codicil respecting the residue of the said estate of the said William McKee, deceased.

Proviso.

Approved April 4, 1866.

CHAPTER CCCCXIV.

An act to incorporate the Winslow Glass Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew K. Hay, John B. Hay, William C. Hay, Augustus C. Downing and Francis H. Holmes, and such other persons as may be hereafter associated with them, shall be and are hereby made, constituted and declared a corporation and body politic, in fact and in law, by the name of "The Winslow Glass Manufacturing Company," for the purpose of manufacturing, procuring, selling and otherwise disposing of glass, and for the transaction of any other business properly connected therewith; that the principal factories of said corporation shall be located at Winslow, in the county of Camden, in this state, and it

may purchase, procure, hold and enjoy all such lands, tenements and heriditaments, and all such engines, machinery, tools, goods, chattels and other personal property as may be necessary or proper for conducting said business, and the same to sell, convey, mortgage, lease, or otherwise dispose of at pleasure.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and shall be subscribed for and paid in, at such time or times, in such manner, and in such installments and on such notice as the said corporation by their by-laws or otherwise may direct or appoint; that in case of a failure by any stockholder to pay any installment or installments on his stock, at the time and place appointed for the payment thereof, the same may be forfeited by order of the board of directors, to and for the use of the corporation, that the capital stock shall be deemed personal property, and shall be transferable in such a way as the by-laws may direct, and at all stockholders' elections, each share shall be entitled to one vote, to be given in person or by proxy, by the holder thereof; and that the board of directors may at any time or times hereafter increase said capital stock to an amount not exceeding five hundred thousand dollars.

First directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than three directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn; that the said Andrew K. Hay, John B. Hay, William C. Hay, Augustus C. Downing and Francis H. Holmes shall be the first board of directors, to serve until others shall be elected in their stead; that the said directors or a majority of them, as soon as conveniently may be hereafter, shall appoint one of their number to be president of said corporation antil another shall be appointed in his stead; that if a vacancy should occur in said board of directors by death, resignation or otherwise, the remaining members may at a subsequent meeting of the board fill such vacancy.

Election of directors.

4. *And be it enacted*, That there shall be an annual election by the stockholders for directors, held at some place in the county of Camden, on or before the first Tuesday of May, eighteen hundred and sixty-seven; that all subsequent annual elections of directors shall be at such time and place, and on such notice, as ordained by the by-laws, and the

judge of all such elections shall be appointed by the stockholders assembled thereat; but if it should happen that an election of directors should not be had on or before the first Monday in May, eighteen hundred and sixty-seven, or at the time appointed for any subsequent annual election, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time and place, and on such notice as the board of directors shall appoint; that every board of directors as soon as conveniently may be after their election shall appoint from their number a president of said corporation to serve until another shall be appointed in his stead, who shall, if present, preside at all meetings of the board and perform all other duties appertaining to his office, that stated meetings of the board shall be held at such times and places as the by-laws ordain, but adjourned or special meetings may be held by adjournment or appointment of the board, on call of the president or whenever all the members of the board may assemble and consent to act.

Dividends. 5. *And be it enacted*, That dividends of so much of the profits of said corporation as shall be deemed advisable to distribute, shall be made and paid to the stockholders semi-annually, at such stated periods as the board of directors shall appoint.

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

Approved April 4, 1866.

CHAPTER CCCCXV.

Supplement to an act entitled "An act to incorporate the Newton Fire Department," approved March first, eighteen hundred and fifty.

Preamble. WHEREAS, by reason of a technical informality the sum voted for the use of "The Newton Fire Department," in the county of Sussex, at the last annual meeting of said corporation could not be assessed; and, whereas, certain individuals have loaned and advanced to the said corporation money for the use of said corporation:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "Newton Fire Department" shall be deemed and held to be liable for all the money respectively raised and paid for the use of the said corporation together with the interest thereon, and that any and every person or persons or corporation that have loaned or advanced money for the use of said department may have an action of debt to recover such money with interest from the said corporation; *provided*, the amount for which said corporation shall be liable shall not exceed the sum of five hundred dollars. Liability. Proviso.

2. *And be it enacted*, That it shall be lawful, and it is hereby made the duty of the said "The Newton Fire Department," to levy and raise by taxation in the manner prescribed in the seventh section of the act to which this is a supplement (for the assessment of the sum annually voted to be raised by the said corporation) the moneys respectively paid or advanced as aforesaid with the interest thereon to the extent for which they are made liable by the first section of this act, and the assessor and collector of the said department with the other proper officers are hereby enjoined and required to proceed in the assessment and collection of the same within the time, and in the manner, and subject to the obligations prescribed by the act to which this is a supplement, the same in every respect as if the said sum so ordered to be raised were voted at the next annual meeting of said corporation, and when collected the same shall be paid to the person or persons or corporation entitled thereto. Annual tax to be assessed.

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

Approved April 4, 1866.

CHAPTER CCCCXVI.

An act to incorporate the Eastwood Hill Cemetery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Brown, Thomas G. Chattle, and Francis Corlies, and such other persons as shall be Names of corporators

hereafter associated with them, be and they are hereby made and constituted a corporation and body politic, by the name of the Eastwood Hill Cemetery Company, and by that name shall have perpetual succession for the purpose of establishing, continuing and improving a cemetery, or place of burial of the dead, in the township of Ocean, in the county of Monmouth, in this state, and for that purpose the said company may purchase, and hold in fee lands not exceeding twenty acres, and enclose, survey, lay out, and divide the same into lots, roads, paths and avenues, and erect and construct a chapel, vaults, and other improvements thereon, and otherwise ornament the same, and sell and dispose of lots therein, only for the burial of the dead, and to make and execute to the purchaser good and sufficient deed therefor, under the common seal of said company, upon such conditions, limitations and restrictions and with such powers and privileges as may be inserted in said deed, and subject to such rules and regulations as may be made or provided by the by-laws of said company.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall not exceed twenty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be subscribed for and paid in such manner and in such installments, and upon such notice as the said company may by their by-laws or otherwise direct and appoint.

May sell lots

3. *And be it enacted*, That the said corporation may sell or otherwise dispose of the lots in said cemetery, and take the proceeds of sale to their own proper use and behoof, but said lots shall be occupied only as burial places for the dead, and which said lots shall be conveyed to the respective purchasers in fee, on the payment of the purchase money, and the purchaser of each lot, his or her heirs and assigns, shall have the exclusive use and occupancy thereof, only for the interment of deceased persons, with the common use of the walks and the passages, subject to such regulations as may be established by the said corporation for digging graves, building vaults, and ornamenting or preserving said plats or lots.

First directors

4. *And be it enacted*, That the said George W. Brown, Thomas G. Chattle and Francis Corlies shall be and they are hereby appointed the first board of directors, to serve until the first day of January, anno domini, eighteen hundred and sixty-seven, or until others are elected, and that there shall be an annual election of directors, on the first Monday of

January of each year thereafter, at such time and place and upon such notice as the by-laws may direct, and in case that an election should not be held at the time so appointed for the holding thereof, the said company shall not for that cause be deemed to be dissolved, and the board of directors shall continue in office until others are elected in their stead.

Stock transferable.

5. *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 shall direct, and that every share of stock shall be entitled to one vote by the holder thereof, either in person or by proxy.

No streets, &c., to be opened.

6. *And be it enacted*, That no streets, roads or alleys shall hereafter be opened through the land of said corporation, nor shall any part or parcel of the premises occupied as aforesaid ever be subject to sale by virtue of any execution or legal process, except for encumbrances existing at or before the passage of this act, nor shall the same be liable to any assessment or taxes.

Penalty for injuries to works.

7. *And be it enacted*, That any person who shall wilfully destroy, mutilate, injure or remove any tomb, monument, grave stone, or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornament thereof, or any lot or plat in this said cemetery, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of such cemetery, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in action of trespass to be brought, in all such cases, in the name of the corporation, and to tax all such damages as shall have been occasioned by his unlawful act; such money when received, to be applied to the reparation or restoration of the property so destroyed or injured.

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

Approved April 4, 1866.

CHAPTER CCCCXVII.

A supplement to an act entitled "An act to authorize the township committee of the township of Washington, in the county of Morris, to raise money for war purposes, under the call of the President of the United States, December nineteenth, eighteen hundred and sixty-four, for troops, approved April the sixth, A. D., eighteen hundred and sixty-five.

Assessment to be collected in three annual installments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time allowed in said act to which this is a supplement, for the levying and collecting the amount of money therein mentioned for the uses and purposes therein expressed, be and the same is hereby extended to three years, and that the said amount of money may be assessed and collected in three equal annual installments, and in the same manner as in said act authorized.

Repealer.

2. *And be it enacted*, That anything in the act to which this is a supplement, which is inconsistent with the provisions of this act, be and the same is hereby repealed.

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

Approved April 4, 1866.

CHAPTER CCCCXVIII.

A supplement to an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one.

Preamble.

WHEREAS, the governor and treasurer are by three several acts of this state, approved respectively May tenth, eighteen hundred and sixty-one, March twenty-fourth, eighteen hundred and sixty-three, and April fourteenth, eighteen hundred and sixty four, authorized to borrow in all four

millions of dollars for the purpose of paying the expenses incident to the suppression of the rebellion; and whereas, the state is indebted more than six hundred thousand dollars for expenses incident to the suppression of the rebellion; and whereas, not more than three millions of dollars have been borrowed under the authority of said acts, still leaving authority to borrow one million of dollars more; now therefore, for the purpose of meeting the said indebtedness of the state, and such indebtedness incident to the suppression of the rebellion as may accrue,

The governor and treasurer 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 governor and treasurer of this state to borrow the said sum of one million of dollars authorized by the said acts, or such part thereof, and on such terms as shall, in the opinion of the governor be requisite, and to issue bonds therefor of such denomination, registered or couponed, and dispose of the same at public or private sale, as they deem proper.

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

Approved April 4, 1866.

CHAPTER CCCCXIX.

An act to provide for the organization of the New Jersey Home for Disabled Soldiers.

Names of managers

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Marcus L. Ward, Daniel Haines, Charles S. Olden, Edwin A. Stevens, William A. Newell and Rynear H. Veghte, be and they are hereby appointed managers of the New Jersey Home for Disabled Soldiers, and shall hold their offices for the term of five years and until others are appointed in their stead; subject to removal by the supreme court, on the recommendation of the governor; their successors shall be appointed by the supreme court at the first term of any year; and the said court may at any time fill vacancies in the said board of managers.

Powers of managers.

2. *And be it enacted*, That the government of the said home shall be vested in the said board of managers, who

shall have the general direction and control of all the property and concerns of the institution, and make by-laws, rules and regulations for the management of the same, and determine the compensation, duties and term of services of its officers and of other persons employed therein, subject to the approval of the governor; the said managers shall receive no compensation for their services, but their actual traveling expenses shall be paid to them by the treasurer on the warrant of the comptroller; and no judge, court or clerk shall receive any compensation for any service done under this act; and it shall be the duty of the said board of managers to take all necessary measures to secure to the patients a suitable and comfortable home, with clothing and subsistence, and necessary medical and surgical attendance; and the expenses thereof not exceeding the sum of ten thousand dollars in any one year shall be paid by the treasurer on the warrant of the comptroller, on accounts rendered to him by the board, accompanied with an abstract of all the expenditures and the vouchers therefor duly verified; and they may take and hold in trust for the state any grant, lease or demise of land, and any donation or bequest of money or chattels for the use of said home.

Appointment of commandant.

3. *And be it enacted*, That the said board of managers shall appoint, subject to the approval of the governor, a commandant of the said home, a superintendent and a chaplain and such other officers, assistants and attendants as may be necessary and proper; the said commandant and superintendent shall severally enter into bond to the state for the faithful performance of the duties of his office in such sum and with such sureties as the said board shall approve, and any officer, assistant or attendant shall be subject to removal by resolution of the said board.

Duties of the commandant.

4. *And be it enacted*, That the commandant shall be the chief executive officer of the said home, and shall have the general management and care of the same, and of the buildings and grounds with their furniture, fixtures and stock, and the command, direction and treatment of the patients, and of the officers, attendants and assistants, subject to the general control of the board, and in pursuance of the by-laws, rules and regulations established by them; and he shall keep a correct and proper diary and record of all his official transactions; he shall be a well educated and competent physician and surgeon.

5. *And be it enacted* That the superintendent shall be a

competent accountant and the chief financial agent, and shall purchase all necessary clothing, provisions and other supplies for the said home, subject to the approval of the said board, and to the rules and regulations; he shall keep the accounts of the said home and of all the receipts and disbursements, and of all the financial transactions relating thereto; and he is hereby directed and empowered to draw and receive any pension due to any patient and apply it to the use of the said home; all purchases for the use of the said home shall be made for cash, and not on credit or trust, and a voucher for every purchase shall be taken, duly filled up at the time it is taken, and an abstract of the vouchers, verified on oath or affirmation, stating that the money was paid and the voucher taken and filled up at the time of its date, shall be presented with the accounts of the said superintendent; and the said commandant or the said superintendent shall at all times reside at the said home, as the said managers shall direct. Duties of superintendent.

6. *And be it enacted*, That as soon as the said home shall be ready for the admission of patients, the said board of managers shall cause notice thereof to be published, and also to be sent to the clerk of each county, who shall forthwith transmit a copy thereof to each overseer of each township in their respective counties; and circulars shall accompany the notices to the clerks and overseers of the poor, giving all necessary directions and information respecting the admission and support of the patients. Notice to be given for the admission of patients.

7. *And be it enacted*, That no person shall be admitted into the said home as a patient, except upon the certificate of a judge of the court of common pleas upon proof made to his satisfaction, by the testimony in writing of a respectable physician and other evidence that the applicant has been a soldier in the army of the United States and been honorably discharged from such service, that he is disabled from a wound or wounds received while in such service, or from sickness or other disability contracted therein or in consequence thereof, that he is necessitous, and has not the ability to procure, the means sufficient for his comfortable support and necessary care and attendance, that he is a resident of this state and was not sick at the time he entered such service, which proof shall accompany the said certificate; and the said applicant for admission, shall with the certificate of the judge, present to the commandant a statement in writing signed by himself, setting forth his name in full, How persons may be admitted.

the place of his nativity and of his residence at the time of making such application and at the time of his entering the service, his age and occupation, the company and regiment in which, and captain and colonel under whom he served, the time of his service and of his discharge, and also his consent and agreement to transfer to the state for the use of the home any pension to which he may be entitled from any state or from the United States during the time he shall be a patient at the said home, and that he will execute any necessary power and voucher for recovering the same; *and further*, that he will conduct himself properly and submit to the rules, regulations and discipline of the said home.

Proviso.

Privileges and benefits.

8. *And be it enacted*, That the patient so admitted, shall be entitled to all the benefits of the said home; and be furnished with clothing, subsistence, medical and surgical attendance, and with whatever may be suitable and necessary to promote his health and contribute to his comfort in accordance with the rules and regulations; but he may be rejected or removed by resolution of the board for want of such qualifications for admission, on his being restored to the ability to promote his own support or for neglect to comply with the terms of his said agreement, or for gross immorality or insubordination.

Board may grant temporary relief

9. *And be it enacted*, That the said board may by resolution admit any person as a patient who shall prove to their satisfaction such qualifications, and make in writing such statement and agreement, and they may grant temporary relief to any disabled soldier who in their judgment is necessitous and worthy of relief.

Discretionary powers of board

10. *And be it enacted*, That the said board may in their discretion grant relief to persons as out patients who have some but not sufficient means for comfortable support, with the necessary care and attendance, can with such relief be more properly provided for in their private residences; but no such relief shall be granted except upon the proof of the qualifications, and durability [inability] of the applicant mentioned in the seventh section of this act, and also of the circumstances of himself and of his family relations, and the relief so granted shall in no case exceed two-thirds of the average cost of each patient at the said home.

Compensation.

11. *And be it enacted*, That the salaries and allowances to the officers of the said home, shall be paid by the treasurer on the warrant of the comptroller on rendering their accounts approved by the said board.

12. *And be it enacted*, That the said managers shall visit the said home; one of them at least once in every two weeks, and the said board once at least in every three months; and they and each of them shall at all times have access to the said home and to every part thereof, and to every patient in it, and to all the books, records, accounts, vouchers and papers of every kind pertaining to the same and the free and full inspection and examination thereof, and they shall keep a book of minutes of their proceedings, and a book in which shall be entered the date of each visit, the condition of the patients, and remarks of the condition and management of the home, to be signed by each of the managers present, and the said board shall make their annual report to the governor on or before the fifteenth day of December in each year. Duties of managers.

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

Approved April 4, 1866.

CHAPTER CCCCXX.

A supplement to an act entitled "An act to facilitate Judicial Proceedings in the county of Essex," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the compensation of the clerk of the grand jury of said Essex county shall hereafter be one hundred dollars per term instead of fifty dollars as in said act provided. Compensation

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

Approved April 4, 1866.

CHAPTER CCCCXXI.

A supplement to "An act concerning Marriages," passed March fourth, seventeen hundred and ninety-five.

Whom justices of the peace and ministers may join in marriage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no justice of the peace, minister of the gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any male under the age of twenty-one years, or female under the age of eighteen years, unless the parent or parents, guardian or guardians, or person or persons under whose care and government such minor or minors shall be, be present, and give their consent thereto, or until the minor applying to be married, whether male or female, shall have produced a certificate in writing, under the hand of the parent or parents, guardian or guardians, or if such minor, so applying to be married, have no parent or guardian, then under the hand of the person or persons under whose care and government he or she may at that time be; which certificate shall be proved to be genuine by the oath or affirmation of at least one person, of full age and discretion, who was present at the signing of the same, and affixed his or her name as a witness thereto; which oath or affirmation any justice of the peace, or minister of the gospel, authorized to solemnize marriages as aforesaid, is hereby authorized to take, and shall enter upon the back of the certificate; and should the person called upon to solemnize the marriage not be satisfied with the declarations of the parties desiring marriage, that they are of lawful age, he shall administer an oath or affirmation that they are of lawful age, of which oath or affirmation he shall make a certificate and file with the record of the marriage in the office of the clerk of the county, which certificate shall be his justification should said parties deceive him as to their age.

Penalty for non-compliance with this act.

2. *And be it enacted*, That if any justice of the peace, minister of the gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall marry any minor or minors, without the consent of the parent or parents, guardian or guardians, or person or persons having the care and government of such

minor or minors, had and obtained, according to the direction of this act, and contrary to the true intent and meaning thereof, every such justice of the peace, minister of the gospel, or other person having or pretending to have authority to join persons together in the holy bands of matrimony, shall, for every such offence, forfeit three hundred dollars, to be recovered in an action of debt or information, in any court of record of this state, by the parent, guardian or person having charge of such minor as shall be so joined in marriage as aforesaid, the one half of the said forfeiture to be paid to the treasurer of the state, for the use of the state, and the other half to be for the use of the parent, guardian, or other person having charge of such minor, who shall prosecute the same to effect.

Repealer.

3. *And be it enacted*, That the provisions of the act to which this is supplementary, and every part thereof inconsistent with the provisions of this act, are hereby repealed.

Approved April 4, 1866.

CHAPTER CCCCXXII.

A supplement to an act entitled "An act to incorporate the Excelsior Manufacturing Company," approved March twenty-fifth, eighteen hundred and sixty-two.

Preamble.

WHEREAS, the Excelsior Manufacturing Company was incorporated by the legislature of this state, and through inadvertence have not paid the tax and assessment imposed by the act to increase the revenue of this state, approved March sixth, eighteen hundred and fifty eight; therefore,

Act revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act to incorporate the Excelsior Manufacturing Company shall stand revived and have the same force and effect, as if the said tax and assessment had been duly paid on or before the first day of July next ensuing the passage thereof; *provided*, the said tax and assessment shall be duly paid on or before the first day of July next.

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

Approved April 4, 1866.

CHAPTER CCCCXXIII.

A supplement to an act entitled "An act further to renew the charter of the Farmers' and Merchants' Bank of Middletown Point, and to increase the capital thereof," approved February twenty-fourth, eighteen hundred and sixty-four.

May increase capital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the president, directors and company of the "Farmers' and Merchants' Bank of Middletown Point" to increase the capital stock of said bank, as provided in the act to which this is a supplement, from and after the passage of this act.

advertisement not required.

2. *And be it enacted*, That it shall not be necessary for said bank to advertise in the New Brunswick and Trenton newspapers, as provided in the original charter of said company.

Repealer.

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

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

Approved April 4, 1866.

CHAPTER CCCCXXIV.

An act to incorporate the Kentucky Mining Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph G. Brearley, William Lee, Andrew K. Rowan, Andrew Dutcher and Charles Brearley, and their associates and successors, be and they are hereby created a body politic and corporate by the name, style and

title of the "Kentucky Mining Company," and by that name shall have perpetual succession, and shall be capable of sueing and being sued, impleading and being impleaded, in any court of record or elsewhere, and of granting and of receiving, in its corporate name, property, real, personal and mixed, and of holding and improving lands and working mines in the state of Kentucky and elsewhere, and leasing or disposing of privileges to work such lands or mines, or any part thereof, and shall have the right to mine coal and other minerals, and transport the same to market, and do such other acts and things as may belong to the mining business as they may deem proper.

By-laws.

2. *And be it enacted*, That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure, and to adopt a common seal, and to alter the same; *provided*, that the said by-laws shall not be contrary to the constitution and laws of the United States and of the state of New Jersey.

Proviso.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of not less than ten dollars each; and the business of the company shall be managed by five directors, to be elected annually by the stockholders at such time, and in such manner, as the by-laws shall provide; but they shall hold office until their successors shall be elected, and the said Joseph G. Brearley, William Lee and Andrew K. Rowan shall be the first directors and shall hold their offices until the first annual election.

Location of principal office.

4. *And be it enacted*, That the said company may carry on its business and establish necessary offices, under the direction of its officers in such places as they may deem expedient, but the principal office shall be located at the city of Trenton, in this state.

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

Approved April 4, 1866.

CHAPTER CCCCXXV.

An act relative to the boundaries of Monmouth County.

Extension of boundary lines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the northerly bounds of the county of Monmouth from the line of Middlesex county, are hereby extended along the middle of the waters of Raritan bay to the main sea.

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

Approved April 4, 1866.

CHAPTER CCCCXXVI.

A further 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.

Proceedings in case of right of dower in real estate of infants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the real estate of any infant directed to be sold by virtue of the act to which this is a supplement, or any part of it, shall be subject to an estate for life or for years, devised to any widow in lieu of her dower in said real estate, and the person entitled thereto shall consent, in writing, to accept a gross sum, to be approved by the court, in lieu of her said estate in said lands or the permanent investment of a reasonable sum, with the like approval, in such manner as that the interest thereof be made payable to the person entitled to said estate in lieu of dower during her life, the chancellor may, after such consent in writing has been filed in the clerk's office, direct the payment of such sum, in gross, or the investment of such sum as he shall deem reasonable, and shall, be acceptable to the person entitled to such estate for life or for years, in manner aforesaid, which sum so paid or in-

vested shall be taken out of the proceeds of the sale of the real estate of such infant so subject to such estate as aforesaid; *provided*, that before any such sum shall be paid, or such investment made, the chancellor shall be satisfied that an effectual release of such right of dower has been executed. Proviso.

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

Approved April 4, 1866.

CHAPTER CCCCXXVII.

An act to incorporate the "Jersey City Yacht Club."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry C. Walton, Peter Miller, Adrian B. Reynolds, William Clarke, junior, Stephen P. Hill, Andrew Clerk, William J. Van Duser, Daniel Berrien, Shepard Homans, Joseph G. Hill, Henry Jahne and such other persons as now or may be hereafter associated with them, be and they are hereby constituted and declared a body politic, in fact and in law, by the name of the "Jersey City Yacht Club," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and whatsoever places, and may have a common seal, and change and alter the same at pleasure; and that they and their successors by the said name shall be capable in law to hold any estate, real or personal, either by devise, purchase, donation or otherwise, to the use of them and their successors, and to lease, sell and convey or otherwise dispose of the same, as to them shall seem most advantageous for promoting the purposes of their incorporation; but the yearly income of such estate shall not exceed the sum of twenty-five hundred dollars. Names of corporators

2. *And be it enacted*, That the object of this incorporation shall be the building, purchasing and sailing of yachts, the encouragement of yacht building and the cultivation and advancement of naval architecture, construction and science. Objects.

May hold real estate.

3. *And be it enacted*, That the estate and funds of said incorporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purpose of holding and purchasing of any real estate and erecting any buildings thereon for the benefit and accommodation of the members of said corporation, or the purchase, leasing or construction of any wharves, docks or piers as may be deemed necessary to carry out the objects of this incorporation, which said real estate they may again sell and invest as the interests of the corporation may require.

General powers

4. *And be it enacted*, That the said corporation shall have power from time to time to make and establish such constitution, by-laws, rules and regulations as they shall judge proper for the election of officers, for prescribing their respective functions and the mode of discharging the same, for the admission of members, the suspension and expulsion of the same, for the government of the officers and members thereof, for imposing and collecting admission fees, fines and contributions from the members, for regulating the time and place of meetings, which constitution and by-laws shall not be repugnant to the constitution and laws of the United States or of this state, and which they may from time to time alter and repeal; and they shall have power in their corporate name to institute suits for the recovery of all fines, debts, dues and arrearages due the said corporation.

First directors.

5. *And be it enacted*, That the said corporation shall be located in Jersey City or some convenient point in the county of Hudson, and that the persons named in the first section shall be the first directors of said corporation, and shall continue in office until the first Thursday in March next, and until others are elected in their stead.

Election of directors.

6. *And be it enacted*, That the directors of said corporation shall consist of eleven in number, who shall be chosen annually on the first Thursday of March, at such time and place and on such notice as said by-laws may fix; that all elections shall be by ballot, and that each member shall be entitled to one vote which must be given in person, and if at any time for any cause it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of

the by-laws in that behalf or of this act; and that in any election of directors the persons having or receiving the greatest number of votes shall be directors and shall continue in office until their successors are elected.

Description.

7. *And be it enacted*, That this act shall be formally construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation, in any deed, grant, gift, devise, bequest or other instrument, contract or conveyance, shall defeat or vitiate the same, if the corporation be sufficiently described to show or ascertain the intention of the parties.

Legislature may repeal.

8. *And be it enacted*, That the legislature reserve the right at any time hereafter to alter, repeal or modify this act.

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

Approved April 4, 1866.

CHAPTER CCCCXXVIII.

An act to incorporate the Ridgewood Land and Improvement Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Dayton, Frederick Kidder, Alexander J. Cameron, Benjamin F. Robinson, Edward A. Walton, 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 Ridgewood 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 Bergen 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 directors.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by five 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 September 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 one month previous thereto in a newspaper published in the county of Bergen, and such 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 by the stockholders, the first directors shall be Samuel Dayton, Frederick Kidder, Alexander J. Cameron, Benjamin F. Robinson, Edward A. Walton, who shall hold their offices until the first Monday of September next, or until others are legally chosen.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, which shall be divided into shares of fifty dollars each, and as soon as four huudred shares of the capital stock shall have been subscribed, and the sum of fifty dollars on each share so subscribed and paid, it shall and may be lawful for said corporation to proceed to carry into effect the object of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively such installments, and at such times and in such proportion as they shall deem proper, notice of which shall be published for at least three weeks in a newspaper in the county of Bergen, or be given in writing to the stockholders for the like space of time before such installments are required to be paid, and in the case of the failure of any stockholder to pay his, or her iustallment at the time and place appointed

for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time, in the said county of Bergen as the directors shall appoint, notice being given previous thereto for one month 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.

May hold and sell real estate.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, to open, lay out, grade or vacate streets and alleys, and to use the same for agricultural purposes or in any other lawful way that the said corporation may deem necessary and advisable; and the said company may contract with any corporation or person or persons, for the construction of any public works or improvements, for such corporation or person or persons and for the purpose of improving their property; and to enable them to raise money to carry into effect the objects authorized by this act, the said company are authorized to issue their bonds, bearing 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 or trust such portion of the real estate of said company as the directors may deem necessary for that purpose; *provided*, that said mortgages or trusts shall not exceed in amount fifty per centum of the assessed value of said real estate.

Powers of directors.

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 constitntion of the United States or of this state.

Proviso.

Not to be dissolved by failure elect.

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 onght to have been made, the said corporation shall not for that be deemed to be dis-

solved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct.

Act may be repealed.

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

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

Approved April 4, 1866.

CHAPTER CCCCXXIX.

A further supplement to the "Act for the punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Duty of justices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person shall be charged with petit larceny, and brought for trial therefor before any two justices of the peace, in conformity with the thirty-fourth and thirty-fifth sections of the act to which this is a supplement, it shall be the duty of such justices to make enquiry whether such person has before that time been convicted of larceny of goods and chattels, either of or under the price or value of twenty dollars; and if it shall appear by the record of such conviction to said justices that such person hath been before so convicted, or that the larceny for which such person is so brought before them for trial was committed by taking the goods and chattels stolen, from the person of another, or that when they were by him or her stolen, such person had entered any house, store or other building, with intent to steal, it shall thereupon be the duty of said justices, and each of them, forthwith to cease from further proceeding in such trial, and the jurisdiction of said justices in that behalf shall immediately terminate; and such person shall be thereupon remanded to jail, in default of bail to appear at the next court of oyer and terminer or general quarter sessions of the peace for such county, to answer such charge as shall then be brought against him or her; and the justice before whom such person was charged shall send the information and complaint made against such

person to said court, stating therein the cause for which such proceedings were stayed, to the end that such person may be proceeded against and punished according to law, by imprisonment at hard labor or fine, according to the statutes in such cases made and provided.

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

Approved April 4, 1866.

CHAPTER CCCXXX.

A supplement to an act entitled "An act to establish Public Schools."

Preamble. WHEREAS, there is considerable misunderstanding in regard to the meaning of the twelfth section of the act to establish public schools, passed April seventeenth, eighteen hundred and forty-six; therefore,

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twelfth section of the said act be and the same is hereby repealed.

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

Approved April 5, 1866.

CHAPTER CCCCXXXI.

A further supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Certain persons to be exempt from bounty poll tax. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no assessment as a poll tax for the purpose of raising in any county, city or township, money for the payment of any soldier's bounty granted during the continuance of the late war for the suppression

of the rebellion, shall be made against any citizen of New Jersey who has been in the service of the United States for nine months during said war, and been honorably discharged, and so far as any law of this state conflicts herewith the same is hereby repealed; *provided nevertheless*, that this act shall not affect the collection of any assessment already made.

Proviso.

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

Approved April 5, 1866.

CHAPTER CCCCXXXII.

An act to confirm the acknowledgments and proofs of deeds, mortgages and other statements in writing taken by James W. Taylor.

Preamble.

WHEREAS, it appears to the legislature that James W. Taylor, of the city of Newburg, in the county of Orange and state of New York, was on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and sixty-two, duly appointed by the governor of this state a commissioner for the state of New York to take the acknowledgments and proofs of deeds or mortgages of land lying in this state, or of any other instrument in writing under hand and seal required by the laws of this state to be acknowledged or proved, and whereas the said James W. Taylor proceeded under the said appointment to take acknowledgments and proofs of deeds, mortgages and other written instruments, and from misapprehension of the laws of this state, continued to take them longer than said laws authorized him to do, by reason of which defective acknowledgements and proofs innocent persons may be subjected to great loss and inconvenience, therefore to rectify the same,

Acknowledgements and proofs legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage or other instrument in writing heretofore taken and certified by the said James W. Taylor shall be deemed defective by reason of such acknowledgment or

proof having been taken and certified after his term of office had expired; but all such acknowledgments and proofs shall have the same validity and effect as if the said James W. Taylor had been at the time of taking and certifying such acknowledgments or proofs duly authorized by law to take and certify the same.

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

Approved April 5, 1866.

CHAPTER CCCCXXXIII.

A further supplement to an act entitled "An act to authorize the inhabitants of the township of Freehold, in the county of Monmouth, to raise money to pay volunteers," approved March eighth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the committee of the township of Freehold, in the county of Monmouth, shall hereafter order and cause a poll tax of one dollar, to be assessed yearly and every year upon every male inhabitant of said township of the age of twenty one and upwards, until all the bonds issued by the said township committee and their successors, by authority of any act of the legislature of this state for the payment of the war debt of said township, shall be fully paid, and that the said poll tax shall be applied to the payment of said bonds as the same shall become due, and shall be assessed and collected and paid to said township committee the same as other township taxes. Poll tax.

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

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

Approved April 5, 1866.

New Jersey State Library

CHAPTER CCCCXXXIV.

An act to prevent Horses, Cattle, Sheep and Swine from running at large in the township of Plumsted, in the county of Ocean.

Provisions of former act extended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine 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 towhsip of Plumstead, in the county of Ocean and the township of Hamilton. in the county of Mercer.

Repeal of part of former act.

2. *And be it enacted*, That the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in that part of the township of Plumsted, in the county of Ocean, north of the old Monmouth road," approved March thirtieth, eighteen hundred and sixty-five be and the same is hereby repealed.

When to have effect.

3. *And be it enacted*, That this act shall take effect on the tenth day of April next ensuing.

Approved April 5, 1866.

CHAPTER CCCCXXXV.

An act to prevent horses, cattle, sheep and swine from running at large in the township of Evesham, in the county of Burlington.

Penalty for allowing animals to run at large

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any freeholder possessing freehold estate or any other taxable inhabitant in said township owning horses, cattle, sheep or swine to allow the same to run at large on any unimproved lands, commons, public roads or highway, in the township of

Evesham, in the county of Burlington, under penalty of five dollars, to be collected as other debts, a part to be awarded to the person informing of the offence, and the remaining half part to be paid to the overseers of the poor for the use of the poor in said township; *provided, nevertheless*, that any person or taxable inhabitant in said township not being a freeholder and owning one cow only the same may be allowed to run at large on said unimproved lands, commons, public roads or highways, if the owners name is fixed to a block and strap and placed on the animal's neck so that the owner's name may be readily known.

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

Approved April 5, 1866.

CHAPTER CCCCXXXVI.

An act to provide for the collection of Taxes in the townships of Haddon and Newton, in the county of Camden.

Powers and duties of constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the townships of Haddon and Newton, in the county of Camden, the warrants hereafter to be issued for the collection of delinquent taxes in said townships respectively, shall be directed and delivered to such constable of said county as may be designated, or to such special constable as may be appointed by the township committee of said townships for that purpose, and such constable or special constable so appointed or designated after giving bond with such security as said committee may direct and approve of, shall in the execution of said warrant have the same powers and perform the same duties and be subject to the same liabilities and forfeitures, and receive the same compensation as now provided in relation to the township collectors of said townships in the execution of warrants for the collection of taxes.

Duties of justice issuing tax warrant.

2. *And be it enacted*, That after the return of a warrant for the collection of the delinquent taxes of any assessment in either of the said townships, the justice who issued the same, shall at the request of the township committee of said

townships, issue an alias tax warrant for the collection of such taxes as shall remain uncollected under the original warrant, which said alias tax warrant shall be good and effective for that purpose, and shall be directed and delivered to such constable or special constable as shall be designated or appointed and qualified as is hereinbefore provided, and shall be executed and returned in like manner as is provided in the case of the original warrant, and the constable or special constable to whom the same is directed and delivered shall have the same powers and compensation, perform the same duties and be subject to the same liabilities and forfeitures in relation thereto as is provided herein in the case of the original warrant.

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

Approved April 5, 1866.

CHAPTER CCCCXXXVII.

An act to authorize the inhabitants of Woodland township, in the county of Burlington, to vote by ballot.

To vote by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Woodland, county of Burlington, shall and they are hereby authorized to vote by ballot in all ounty, township cand state elections.

Confirmation of election.

2. *And be it enacted*, That the election hitherto had for township officers is hereby ratified and confirmed.

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

Approved April 5, 1866.

CHAPTER CCCCXXXVIII.

A further supplement to an act entitled "An act to provide for the organization of the State Lunatic Asylum and for the care and maintenance of the Insane."

Preamble. WHEREAS, it is desirable that the accounts and reports of the Lunatic Asylum should be balanced and made up to the last day of November in each year in accordance with the provisions of the act changing the termination of the fiscal year of the several state institutions; therefore,

Duties of superintendent. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the superintendent of the asylum shall cause all the accounts and records of the institution to be made up to the last day of November in each year, and shall make his report thereon to the managers immediately thereafter, and the managers shall present to the governor on or before the tenth day of December in each year, the annual reports now required by law.

Duties of treasurer and auditing committee. 2. *And be it enacted*, That the treasurer of the asylum shall balance his accounts annually on the last Monday of November, and within two days thereafter deliver to the auditing committee of the managers, the annual statements, and abstracts required by the act to which this is a supplement, and shall hereafter render his quarterly statements of receipts and payments on the first Monday of March, June and September in each year.

Time of making quarterly abstracts. 3. *And be it enacted*, That the steward shall make the quarterly abstracts of his accounts to the last Monday of every February, May, August and November, and shall make the inventory and appraisement required by the fifteenth section of the act to which this is a supplement, during the third week in November in each year.

Repealer. 4. *And be it enacted*, That so much and such parts of the act to which this is a supplement as conflicts 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 April 5, 1866.

CHAPTER CCCCXXXIX.

An act to authorize the Governor to convey the estate of New Jersey in certain lands to Martha Henry.

Preamble.

WHEREAS, Richard Brown, late of the city of Paterson, New Jersey, being or claiming to be lawfully seized of a certain tract of land situate in the city of Paterson, in the county of Passaic, in this state, known as lots numbers two hundred and one, two hundred and two, two hundred and three, and two hundred and four, on a map made by J. F. Bridges, surveyor, said parcel of land being one hundred feet wide on Essex street, and one hundred feet deep; and the said Richard Brown having died about thirty-eight years ago without leaving any heirs him surviving, but leaving a widow, to wit, Ann Brown, who took charge of the said premises during her life; and whereas, the said Ann Brown died in the year eighteen hundred and forty-two, leaving a last will and testament, executed in due form of law, in which she devised the said lots of land and premises to her niece Martha Henry, who took charge of the same, and has paid the taxes and assessments made thereon by the authorities of the city of Paterson, which now exceed the sum of three hundred dollars; and whereas, it is now alleged that upon the decease of the said Richard Brown without lawful issue, that the said lot and parcel of land escheated to the state, subject to the life estate of the said Ann Brown, the said Martha Henry, the devisee of said premises, by her humble petition, hath prayed that the state of New Jersey would release and convey the said estate to her; therefore,

Deed of conveyance authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state for the nominal consideration of one dollar, but at the expense of the said Martha Henry, do make to her, under the great seal of the state, subscribed by him and attested by the secretary of state, a deed of the state of New Jersey, in due form, to release and convey to her, in fee simple, whatever estate the state of New Jersey has in said lot of land with the appurtenances, and that her title thereto be ratified and confirmed.

Approved April 5, 1866.

CHAPTER CCCCXL.

An act to authorize the city of Camden to convey certain lands to "The Camden Home for Friendless Children."

Preamble.

WHEREAS, Jacob Cooper and wife, by their deed of indenture bearing date twenty-second day of April, in the year of our Lord one thousand seven hundred and seventy-six, and of record in the secretary's office then at Burlington, in book B of Gloucester deeds, folio one hundred and thirty-one, did convey to certain persons therein named as trustees, among other lands a certain town lot lying at and on the corner of Cedar and Plum streets in the town of Camden, then recently laid out by the said Jacob Cooper, and delineated and distinguished as lot number one hundred and twenty-seven in his plan of said town, in trust for all the inhabitants and owners and possessors of lots in his said town for certain uses and purposes therein set forth; and whereas, by an act of the legislature of New Jersey passed on the thirteenth day of February, in the year of our Lord one thousand eight hundred and twenty-eight, the lands thus laid out by Jacob Cooper with a large extent of adjacent lands which had been subsequently laid out and built upon, were incorporated into and created a city by the name of "The City of Camden," under which and subsequent acts the said city hath ever since existed, and shortly thereafter the said city acquired and took possession of said lot of ground, and have now for more than twenty years past had the possession thereof as the said city's absolute property; and whereas, the said city is desirous of conveying the said lot of ground to "The Camden Home for Friendless Children," but doubts are entertained as to the ability of said city to give a good and valid title therefor, to remove which doubts and confirm the title in the said "The Camden Home for Friendless Children,"

Power to convey certain real estate.

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 "City of Camden," by deed duly executed under the common seal of said city, attested by the mayor and clerk of said city, to grant, bargain, sell and convey said lot of ground

to the said "The Camden Home for Friendless Children," and their successors and assigns, in fee simple absolute, and that such sale and conveyances shall vest in the said "The Camden Home for Friendless Children" and their successors and assigns, an absolute and indefeasible estate of inheritance in fee simple in said lot of land, freed and discharged from all former trusts whatever, according to the terms and true import and meaning of such deed of conveyance.

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

Approved April 5, 1866.

CHAPTER CCCCXLI.

An act relating to the Commissioners of the State Library.

Commissioners to make rules and regulations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the State Library, or a majority of them, shall from time to time, prescribe such rules for the government of the library as they may think proper, and a copy of such rules shall at all times be set up in a conspicuous place in the library for inspection, and all fines and forfeitures accruing under or by virtue of such rules, shall be sued for and recovered in the court by the officers and in the manner prescribed in the third section of the act entitled "An act to regulate the State Library," approved April tenth, eighteen hundred and forty-six, and the librarian shall in all things be subject to the control and direction of the said commissioners.

Powers of commissioners.

2. *And be it enacted*, That said commissioners or a majority of them shall have full power and authority to sell or exchange all or any duplicate volume or documents now or hereafter the property of said library, to sell or otherwise dispose of all books which in their judgment should be excluded therefrom, and all moneys to be received from such sales shall be paid into the treasury for the benefit of said library.

Appropriation.

3. *And be it enacted*, That a sum not exceeding eight thousand dollars in addition to former appropriations in behalf

of the same objects, is hereby appropriated for finishing and furnishing the extension or wing of the state capitol, for furnishing and ornamenting the library room, and for altering, furnishing and preparing for use certain rooms for the accommodation of the courts of the United States.

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

Approved April 5, 1866.

CHAPTER CCCCXLII.

An act to prevent Disease among Cattle.

Preamble. WHEREAS, there is good cause to fear that a disease of cattle known as the "rinderpest" may be introduced into this state, unless proper precautions be taken; therefore,

For prevention of cattle disease. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey State Agricultural Society are hereby authorized to take such measures for the prevention of the introduction or increase of the said or any other disease among cattle, as to the said society shall seem expedient, and that the expenses incurred, with the approval of the governor of this state, by the said society in the performance of said service, shall be paid out of the treasury of this state; *provided*, such expenses shall not exceed the sum of fifteen hundred dollars. Proviso.

Public advertisement to be made. 2. *And be it enacted*, That until the permission, to that end, of the said society shall be given by public advertisement in three newspapers of this state, no cattle from foreign countries or from any parts of this country from which the introduction of cattle shall, by the order of the said society advertised as aforesaid, be prohibited, shall be brought into this state; and any cattle brought into this state contrary to this provision shall be seized by the authorized agent or agents of the said society and, without compensation to the owner, be killed or disposed of as the said society or its agents shall deem proper, and the person or persons bringing or causing to be brought any cattle into this state contrary to the provisions of this law, shall be subject to a fine of not less than fifty nor more than three hundred dol-

lars, to be sued for and recovered in the name of the said society before any justice of the peace of this state; and all moneys received by the said society, under the provisions of this act, are to be paid into the treasury of this state.

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

Approved April 5, 1865.

CHAPTER CCCCXLIII.

A supplement to an act entitled "An act appropriating scrip for the public lands granted to the state of New Jersey by the act of Congress," approved July second, eighteen hundred and sixty-two.

Exempt from tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lands and real estate acquired in pursuance of the act to which this is a supplement, and appropriated for the purposes of instruction in science and agriculture, according to the provisions of the act of congress, be exempt from taxation.

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

Approved April 5, 1866.

CHAPTER CCCCXLIV.

An act relative to the appointment of a Sanitary Commission.

Sanitary commission how appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby authorized to appoint a sanitary commission, to consist of five physicians, one from each congressional district in the state, whose duty it shall be to report to the executive previous to the next session of the legislature such information

as they may deem important respecting the general sanitary condition of the state, the causes, prevention and curative treatment of epidemic and contagious diseases, the vaccination of the indigent, the treatment of the insane in county and township poor houses, and all such other facts and particulars, with such suggestions and advice, as will in their opinion conduce to future enlightened action for the promotion of the public health.

Duties of commissions.

2. *And be it enacted*, That the said commission be requested to furnish to the governor, at as early a day as practicable, such information and advice as they may deem important relative to the prevention and treatment of Asiatic cholera, and in case of the appearance of that disease, the governor is hereby authorized to take such action relative thereto as he may deem necessary and expedient.

Approved April 5, 1866.

CHAPTER CCCCXLV.

An act relative to the Work House of the county of Morris.

Works house declared part of the common jail.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the building known as the work house annexed to the court house at Morristown, in the county of Morris, from and after the passage of this act be and the same is hereby declared to be a part of the common jail of said county, and shall be so deemed and taken at all times and places and for all purposes whatever.

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

Approved April 5, 1866.

CHAPTER CCCCXLVI.

An act to incorporate the Riverside Cemetery Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius Cowdrick, John Aumack, George W. Giberson, Reuben Potter, Britton C. Cook, William A. Low, John H. Gullick, John T. Chambers and George W. Cowperthwait, and such other persons as shall hereafter become associated with them, be and they are hereby made and constituted a corporation and body politic, by the name of the "Riverside Cemetery Company," and by that name shall have perpetual succession for the purpose of establishing, continuing and improving a cemetery or place for the burial of the dead in the township of Dover, in the county of Ocean, in this state, and for that purpose the said company may purchase and hold lands not exceeding twenty-five acres, and enclose, survey, lay out and divide the same into lots, roads, paths and avenues, and erect and construct a chapel, vault, sexton's house and other improvements thereon, and otherwise ornament the same, and sell and dispose of lots therein only for the burial of the dead, and to make and execute to the purchasers good and sufficient deeds therefor, under the common seal of said company, upon such conditions, limitations and restrictions, and with powers and privileges as may be inserted in said deeds and subject to such rules and regulations as may be made or provided by the by-laws of said company.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall not exceed ten thousand dollars, and shall be applied in purchasing, improving and ornamenting the lands of said company, and shall be divided into shares of twenty-five dollars each, and shall be subscribed and paid for at such time, in such installments, and upon such notice as the said company by their by-laws or otherwise may direct or appoint, and in case of failure by any stockholder to pay his or her installment or installments at the time and place mentioned and appointed for the payment thereof, such stockholders, if it shall be so provided by the by-laws, shall incur a forfeiture of his or her shares and all previous payments to the use of said company.

3. *And be it enacted*, That the said Cornelius Cowdrick, John Aumack, George W. Giberson Reuben Potter, Britton C. Cook, William A. Low, John H. Gulick, John T. Chambers and George W. Cowperthwait, shall be and are hereby appointed the first board of directors, to serve until the first Monday in June next, and until others shall be elected in their stead; and the said George W. Giberson shall be the president, and the said Britton C. Cook, shall be treasurer, and the said William A. Low shall be secretary of said company until the first Monday of June next, and until others shall be elected or appointed in their stead and that the board of directors shall consist of such number as may be prescribed by the by-laws of the company. Names of directors.

4. *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, and that every share of stock shall be entitled to one vote by the holder or holders thereof, which votes may be given in person or by proxy. Stock transferable.

5. *And be it enacted*, That there shall be an annual election of directors on the first Monday in June next and on the first Monday of June each year thereafter, at such hour of said day and such place and upon such notice as shall be ordained by the by-laws or otherwise appointed by said company, 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 held at the time so appointed for the holding thereof, or at the time appointed for the 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 shall or may appoint, and the directors for the time being shall continue in office until new ones shall be elected 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 to serve until the next annual election of directors, and until another shall be appointed in his stead, and also a secretary, treasurer, and such other officers and agents as may be deemed necessary and proper. Time of holding annual elections of directors.

6. *And be it enacted*, That no roads or streets shall be hereafter opened through the lands of said corporation, except by consent of the board of directors, and the cemetery lands and property of said company, together with the burial Exempt from taxation.

vaults, lots and other erections and fixtures in said cemetery, shall not be subject to any assessment, taxes or fines, or liable to be seized upon, distrained, sold or otherwise subject to any process of law whatsoever, except for incumbrances existing at or previous to the passage of this act.

Penalty for injury to works.

7. *And be it enacted*, That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, building or other structure placed in said cemetery, or any fence, railing, or other work for the protection or ornament thereof, or of any lot or plot within such cemetery, or shall wilfully destroy, cut, break, or injure any tree, shrub or plant within the limits of such cemetery, shall be deemed guilty of a misdemeanor, and such offender shall be liable in action of trespass, to be brought in all such cases in the name of the corporation, and pay all such damages as shall have been occasioned by his unlawful act or acts; such money when recovered shall be applied by the managers to the reparation or restoration of the property so destroyed or injured.

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

Approved April 5, 1866.

CHAPTER CCCCXLVII.

An act to incorporate the New Jersey Lime Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert W. Markley, Charles Knapp, John G. Stevens, Robert F. Stockton, junior, and Charles P. Stratton, and such other persons as may be associated with them and their successors, are hereby created and declared to be a body politic and corporate in law, by the name and title of "The New Jersey Lime Company," and by thatname shall continue in force for thirty years and have all the privileges and franchises belonging or incident to a corporation.

Amount of capital stock

2. *And be it enacted*, That the whole 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, to be divided into shares of fifty dollars each, which shall be personal property and transferable on the books of said company.

3. *And be it enacted*, That the above named corporators or a majority of them shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place or places in this state and upon such notice as they shall direct; and at the time of subscribing for said stock, such amount on each share shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall determine, and the residue of the subscription shall be paid, satisfied or secured as the directors may determine, in such installments, at such times and places, in such manner and to such person or persons as said directors shall from time to time direct, and upon the failure by any person to pay, satisfy or secure the payment of the installments or any of them as aforesaid, the said directors shall have power to forfeit the share of each and every person so failing, or any of them, to and for the use and benefit of the said company, and any shares of stock so forfeited as aforesaid may be held by the said company or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company as said directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed, and any land, property or materials used in the business of the said company received in payment or satisfaction of subscriptions for stock, shall be taken at a valuation approved by a majority of the stockholders. Commissioners to receive subscriptions.

4. *And be it enacted*, That whenever fifty thousand dollars of the capital stock aforesaid shall have been subscribed, the commissioners or a majority of them shall, as soon as they deem expedient, give notice in such manner as they may determine of a meeting of the stockholders at such time and place as they may designate, to chose directors not less than five in number, who shall hold their office for one year and until others are duly elected, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual elections of said corporation, shall as soon as may be after Election of directors.

every election choose out of their number a president, who shall hold his office for one year and until his successor is duly appointed, and in case of death, resignation, or other incapacity of the president or any director, such vacancy may be filled by the board of directors for the remainder of the then current year.

May hold lands and real estate.

5. *And be it enacted*, That the said company shall be and they are hereby authorized and empowered to establish and carry on the business of burning and manufacturing lime, transporting and vending the same, and for that purpose to purchase, rent, take, hold, occupy and enjoy, grant, demise, lease and convey in this or any other state or territory, such and so many lands, mines, quarries, deposites and kilns, and such parts, shares and interest therein as they may deem proper, in fee simple or on any less estate, and to purchase, rent, hire, erect, build, hold, maintain and use, grant, demise, lease and convey such buildings, machinery, engines, kilns, works, and other real and personal property as they may deem necessary or proper for developing their property and carrying on their business, and when by the laws of the state or territory where any of the property may be situate or be, the said company may not be authorised or capable to have, hold, enjoy or convey, rent and lease the same or the legal estate therein, themselves or otherwise, when they may think proper, the said company may purchase, hire, rent, have, hold, use, enjoy, grant, lease and convey any tract or other equitable or beneficial estate or interest or cestui que trust or otherwise, in any property which may be purchased, hired, leased, or held by trustees or other persons for the use or benefit of said company, and the same shall make part of the value of and be represented by the stock of said company;

Proviso.

provided, that the said company shall not be taxed in this state for, or by reason of, or of any interest in any real estate situate in any other state or territory and taxed therein.

Powers and duties of directors.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint from their own number or otherwise a treasurer and secretary, and such other officers of the board and of the company as they may think necessary, and to fix their salaries, to borrow such sums of money as they may from time to time deem advisable for the purposes of the said company, and to issue the bonds of the said company therefor, and to secure the payment of the same by a mortgage or mortgages on the lands, estate and

other property of said company, and to make such by-laws, not inconsistent with the provisions of this act as they may think proper, regulating the issuing and transfer of stock and for the general government and management of the affairs of the company.

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

Approved April 5, 1866.

CHAPTER CCCCXLVIII.

An act to incorporate the Shiloh 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 Shiloh Turnpike Company shall be opened by Charles Dickinson, Caleb Sheppard, Lewis B. Huff, John S. Bonham, Jarman A. Davis, Dickason D. Sheppard, Ethan B. Swinney, Elmer Moore, and Dr. Thomas H. Tomlinson, or a majority of them, who are hereby appointed commissioners to receive subscriptions to said stock, at such times and places as they or a majority of them may direct, giving notice at least twenty days prior to the opening of said books by publishing the same in one or more of the newspapers published in this state. Commissioners to receive subscriptions to capital stock

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with liberty for the said company to increase the same to eight thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when fifty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of "The Shiloh Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of said company into effect. Amount of capital stock

3. *And be it enacted*, That at the time for 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 Payment of installments

soon as one shall be appointed, and the residue of the subscription shall be paid in installments, at such times and places, and to such persons as the president and directors of the company shall from time to time direct, or give public notice thereof in manner aforesaid, and upon failure of payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments or any of them, to and for the use of said company; *provided*, that the stockholders shall, upon request, have the right to pay the stock subscribed for except the first installment, by work upon said road under such regulations, at such time and upon such notice as the directors may determine.

Proviso.

Act how made null and void.

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

Election of directors.

5. *And be it enacted*, That when fifty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least fifteen 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 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; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of the holder or holders thereof, either in person or by proxy.

Election of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number, a president of the said company, who shall be a citizen of this state and resident of the county of

Cumberland, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of stockholders; or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person of their number, who for the time being shall possess the same powers and authority and perform all the duties herein prescribed.

Powers and duties of directors.

7. *And be it enacted*, That the said directors or a majority of them, may supply any vacancy in the interval between the annual elections, by death, resignations, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of the county of Cumberland, 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 require of them such security for the performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock and for the general government of the company and the management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or 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 statement of the affairs of the company during the said term.

Notice to be given for special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the president, or three of the directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting, but that no business of the company shall be transacted at such special meeting unless a majority in value of the stockholders at-

tend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Not to become void by reason of failure elect.

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 by reason of the irregularity or want of such election.

May construct turnpike road.

11. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from the point where the Salem county line crosses the public road from Shiloh to Marlborough, to the western end of Broad street in the city of Bridgeton, in the county of Cumberland, which said turnpike road shall be constructed along, on or near the public highway leading from Marlborough church, through the village of Shiloh to Bridgeton; and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made, not exceeding three rods; *provided*, that before the said company shall construct the said turnpike along the highways aforesaid, they shall pay to the respective owners of the lands over which the said highways selected for constructing the said turnpike upon now pass, all damages which the said owners may sustain by reason of the construction of the said turnpike road; and in case the said company and any of said owners cannot agree upon the amount of the said damages, then the same 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 materials from his or her land for the constructing and maintaining of said turnpike road.

Proviso

Breadth of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the said highway as near as may be, and shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than fourteen 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 overset, the said company shall cause 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 underdrains across and through said lands necessary for properly draining the said road, and that when said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of said company 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 owners if known, and their residence if the same can be ascertained, to one of the judges of the supreme court of this state or to one of the judges of the court of common pleas of the county of Cumberland, 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 assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, commissioners to examine and appraise said land or materials and to assess the damages, upon notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein not less than ten days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation faithfully to examine the matter in

question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land and materials and damages aforesaid, and to make a report thereof under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of lands or materials and the appointment and oaths or affirmations aforesaid in the clerk's office of the county of Cumberland, to remain on record therein, and shall be recorded by the clerk, which report or a copy thereof, certified by the clerk of said county shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, after the payment of the value and damages so assessed, and of the right of said owner or owners, to secure the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the said company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage, and the said justice shall tax and allow such costs, fees and expenses to the said justice, 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 said company.

Gates to be erected.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several directions in the twelfth section and the true intent and meaning in 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 half a mile of the said road, not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled drawn by one beast, one cent;

For every additional beast, one cent;

For every horse and rider, or led horse or mule, five mills;

For every dozen calves, sheep or hogs, one cent;
For every dozen of horses, mules or cattle, four cents;
And it shall and may be lawful for the tollgatherers to stop persons riding, leading or driving any horses, cattle, mules or calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day, or to or from the public worship of those persons commonly called "Seventh Day Baptists," on the seventh day of the week, or to or from any mill to which he may usually resort for grinding of grain for his family 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. Proviso.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause milestones or posts to be erected or maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance the said stone is from Bridgeton, and shall cause to be fixed and always to be kept up at the gates or turnpikes aforesaid in a conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be painted in large letters, "Keep to the right as the law directs." Miles stones to be erected

16. *And be it enacted*, That if any person shall wilfully 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 rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpike or bridges, that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or gates or turnpikes such person or persons shall forfeit and pay the sum of twenty dollars besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horses, turn off the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to Penalty for injury to works.

be recovered by said company for the use thereof in an action of debt with costs of suit.

Penalty for taking more toll than is legal.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates and turnpikes, or shall receive more toll than is by this act established, he shall for every 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 travellers.

18. *And be it enacted*, That all the drivers of the 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 horses, carriages, sleighs or sleds, on the right hand of the said road in the passing direction, leaving the other side of the road free and clear for carriages or persons on horseback, and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when road and bridges are not kept in repair.

19. *And be it enacted*, That if 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 Cumberland, 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 the complaint arose, 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 the 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 condition 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 the 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 for 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 said 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 the 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 same fee 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 fee shall be allowed as before mentioned, and paid by the person or 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 described one or more respectable freeholders in the township, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

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

Approved April 5, 1866.

CHAPTER CCCCXLIX.

An act for the relief of Martyn K. Shinn.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That Martyn K. Shinn, of the township of Plumsted, in the county of Ocean, be and is hereby restored to all his rights and privileges as a citizen of the state of New Jersey. Rights and priveleges restored.

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

Approved April 6, 1866.

CHAPTER CCCCL.

A further supplement to an act concerning roads.

Election of overseer of roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the several road districts in the township of Plumsted, in the county of Ocean, shall elect their respective overseer or overseers of the roads, voting viva voce, on the Saturday following the annual town's meeting in said township, at two clock in the afternoon of said day, at places in each road district, to be designated by the town clerk of said township by notice in writing set up at the place where said annual town meeting is held, by ten o'clock in the forenoon of the day of such annual town meeting.

2. *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.

Approved April 6, 1866.

CHAPTER CCCCLI.

An act to incorporate The East Trenton Land and Building Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Imlah Moore, Jonathan Fisk, Charles Moore, A. W. Cheesman and Augustus G. Richey, 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 East Trenton Land and Building Company, and by that name shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling, and disposing of such real and personal estate in the county of Mercer, 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 purposes aforesaid.

Election of directors.

2. *And be it enacted,* That the stock, property and concerns of the said corporation shall be managed and conducted by not less than three nor more than five 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 January 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 Mercer, and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and the said directors may appoint such agents, officers and superintendents, and make such compensation and assign such duties to 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 Imlah Moore, Augustus G. Richey and Charles Moore, who shall hold their office until the first day of January next, or until others are legally chosen.

Amount of capital stock

3. *And be it enacted,* That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of ten 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 proportions as they shall deem proper

not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper in the county of Mercer, or shall be given in writing to the stockholders for the like space of time before such installments are required to be paid; and in case of failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain open such time in the county of Mercer 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.

May hold and convey real estate.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey all such lands and real estate as they may have and hold from time to time, in whole or in parcels, and to improve the same by erecting, or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate into lots; and to use the same for agricultural purposes or in any other lawful way that the said corporation may deem necessary and advisable; and to purchase, make up, manufacture, sell and dispose of all materials pertaining to the erection of such buildings.

Power of directors.

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 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.

Not to be dissolved by failure to elect.

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.

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

8. *And be it enacted*, That this act shall continue in force for thirty years, and shall take effect immediately, and that it shall possess the general powers and be subject to the restrictions and liabilities set forth in an act entitled "An act concerning corporations," approved February, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable. Limitation.

Approved April 6, 1866.

CHAPTER CCCCLII.

An act to incorporate the Englewood Horse Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Hoadley, Francis Howland, Nathan T. Johnson, J. Wyman Jones, J. Smith Homans, junior, B. Murray, junior, William S. Opdyke, Cornelius Lydecker, and George P. Androus, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic, in fact and in law, by the name of "The Englewood Horse Railway 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; and such estates therein, whether Names of corporators.

real or personal, shall vest and continue in said incorporation during the continuance of its charter.

Amount of capital stock

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

Election of directors.

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 two weeks' notice of the same in any newspaper published in the county of Bergen, and at the time of subscribing to said stock ten per centum shall be paid on each share subscribed for to the said commissioners or some one of them, and when fifty thousand dollars shall be subscribed, the commissioners or a majority of them shall call a meeting of the stockholders upon like notice as above, to choose seven directors or as many more as may be deemed advisable not exceeding thirteen, a majority of whom shall be residents of this state; the election shall be held in the county in which said railway will be located, 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 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 the money paid in, after deducting their expenses and 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 the 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 a majority of said directors; in the absence of the president a majority of said directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of said company shall provide.

Not to be dissolved by failure to elect.

4. *And be it enacted*, That in case that it shall happen that an election of directors should not be held at the time when according to this act it should have been held, 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 officers and directors for the time being shall continue in office until others shall be elected in their stead.

Payment of installments

5. *And be it enacted*, That a majority of the directors of said corporation shall constitute a quorum and be competent to transact all business; and they shall have power to call in the remainder of said capital stock by installments, not to exceed twenty per centum on each share, by giving two weeks' previous notice in any newspaper published in the county of Bergen, but no two installments shall be required to be paid within two weeks of each other; and in case of the non-payment of such installments they may forfeit the shares upon which such default shall arise.

Powers of directors.

6. *And be it enacted*, That the said directors shall have power to prescribe such rules and regulations touching the management of the stock, property, estate, effects and business of the said company, and to appoint such officers, agents and employees, and to give such salaries or compensations for them as they shall deem expedient.

May survey and lay out road.

7. *And be it enacted*, That said company be and hereby are authorized to enter on, survey, lay out, construct and operate a Horse Railway, to commence at some point at or near the village of Coytesville, Hackensack township, county of Bergen, and running thence northerly to or near Palisade Avenue, on Englewood Heights, at or near the intersection of the said avenue with the street or highway known as Summit street, and thence northerly to or near Clinton avenue, at Teanafly, otherwise known as North Englewood, at or near where said Summit street, if continued, would intersect said Clinton avenue, said entire route of said railway to be continued along the plateau or top of the Palisades in as direct a line from point to point as the grades and configuration of the grounds to be passed over will permit; *provided* Proviso.

that no part of said road shall be located or built nearer to the Northern railroad than one mile; *and provided also*, that steam shall not be used as a motive power on said road.

Proviso.

May construct road.

8. *And be it enacted*, That said company be and are hereby empowered to locate and construct said railway and appurtenances, not exceeding sixty-six feet in width, unless it be necessary for constructing slopes, embankments, turn-outs, way depots, way stations or other way structures, and then not more than one hundred feet in width, with as many sets of tracks or rails as may be deemed necessary.

Authority to enter upon and survey lands.

9. *And be it enacted*, That it shall be lawful for said company, its officers, agents and employees, to enter at all times on lands and waters for the purpose of exploring, leveling and surveying, and laying out the route of such railway and locating the same or altering such location, doing no unnecessary damage to private or other property, and when the route and location of said railway shall have been determined, it shall be lawful for said company, its officers, agents and employees to enter upon, take possession of, hold, use, occupy and excavate such lands and premises, and to erect embankments, bridges, viaducts and all other necessary works and appliances thereon, and to lay rails and do all other things which may be suitable or necessary for the construction, maintenance and operation of said railway, and to carry into full effect the objects of this act; and the said company may take, use and appropriate any stone, gravel, sand, clay, earth and material on or near the route of said railway; *provided*, that payment shall first be made to the owners of and parties interested in the lands and premises or materials taken for the purposes of this act, upon such terms as are hereinafter provided.

Proviso.

Proceedings when company and owner cannot agree.

10. *And be it enacted*, That if said company or its agent or agents cannot agree with the owner or owners of such required lands, premises or materials, or with any party lawfully interested therein, for the use or purchase thereof, or if by reason of the legal incapacity or absence of any owner or party interested no such agreement can be made, a particular description of the lands and premises so required for the use of said company in the construction and operation of said road shall be given in writing, under the oath or affirmation of the engineer or proper agent of said company, and also the name or the names of the occupant or occupants, if any there be, and of any owner or party interested, and their residence, if the same can be ascertained, to one of

the judges of the inferior court of common pleas of the county where said lands, premises or material are situated, 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 fifteen days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise said lands and assess any damages sustained by any owner or person interested by reason of taking the same upon such notice of not less than fifteen days, to be served personally or by publication as aforesaid, as shall be directed by the judge appointing such commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and 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 and premises, and taking into consideration all benefits to be derived from or in consequence of said railway to said owner or person interested to make a just and equitable appraisement or estimate of the value of said lands so taken and an assessment of any damages incurred, to be paid by said company; said 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 and affirmations aforesaid, in the clerk's office of the county in which such lands and premises are situated to remain of record therein, which report or in case of an appeal, the verdict of the jury and the judgment of the court thereon, or a copy thereof, certified by the clerk of said county, damages and costs 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 and occupy, possess and enjoy said lands and premises; and either of the judges of the court of common pleas of the county in which said land, premises or material are situated shall on application of

either party on reasonable notice to the other party or parties tax and allow such costs, fees and expenses to the judges, commissioners, clerk or other person performing any of the duties prescribed by this section as he shall deem equitable and just and direct by whom the same shall be paid.

11. *And be it enacted*, That in case said company or any owner of or person interested in said lands and premises or materials, shall be dissatisfied with the report made by the commissioners mentioned in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands, premises or materials so required are situated, by petition to the said court to be filed with the clerk thereof within ten days after the filing of the report of the report of the commissioners aforesaid, and notice in writing of such appeal shall be served upon the opposite party within ten days after the filing of said petition, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of said controversy, and and to order a jury to be empanneled and sworn as in other causes, 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, premises or material, 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 parties, owners or person interested, then judgment thereon with costs shall be entered against said company, and execution awarded thereon, and if said appeal shall be applied for by the said owners or parties interested, and if the jury shall find the same sum that the commissioners awarded, or the company offered, or a less sum than either, then the said costs shall be paid by the said applicants, and be deducted out of the said sum found by the said jury, or execution may be issned 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 owners of or parties interested in the land, premises or material in controversy, if they so require, or into the court of common pleas to the clerk thereof in the county in which such lands are situated, if any party refuse to accept the same, and any party entitled

to receive the amount awarded by the commissioners may apply for and receive the same without being thereby debarred from the appeal hereby provided.

Proceedings to be hold before entering upon lands.

12. *And be it enacted*, That said company shall obtain from every owner of or party interested in any land or premises in controversy, or where legal incapacity or absence of any unknown owner or party interested exists, authority to enter upon or acquire such lands or premises in the mode hereinbefore pointed out, before said company, its officers or employees shall enter upon or break ground on any lands or premises, except to survey and lay out said railway, and where by reason of their being such legal incapacity or absence of such unknown owner or party interested, the compensation awarded in such instance by the commissioners cannot be be paid to such owner or party interested, the same shall be paid into the court of common pleas to the clerk thereof of the county in which said land and premises or materials are situated, subject to the order of the court to be invested as the court shall direct during such disability, absence or unknown ownership or interest, and to be paid out to the party or parties interested upon any proper application therefor.

May own real estate.

13. *And be it enacted*, That in accordance with the foregoing provisions said company may also acquire, hold, have, possess and occupy such real estate or interest therein, at or near the commencement or termination of said railway and at such other important points along the line of the same as may be necessary for the construction, maintenance and operation of said railway or for the convenient transaction of business, not exceeding one acre in each place, and may erect depots, warehouses, and such other structures, and make such improvements thereon as they may deem expedient for the safety of property, their own or consigned to their charge, and for the necessary uses appertaining to the business and operation of said railway.

Passages for wagonways to be maintained.

14. *And be it enacted*, That said railway may be constructed along any public road or highway within its route upon obtaining the consent in writing of the township committee of the township in which in which said route may extend, or a majority of them, and wherever said railway is located on or across any highway the said company shall, as soon as may be, restore such highway to such state or condition as not to impair its usefulness, and such railway and the rails thereof shall be constructed and maintained in such a man-

ner and the rails thereof of such size and pattern as to impair as little as practicable ordinary travel on such highway, and where the said railway intersects any farm or other lands said company shall provide and keep in repair suitable and convenient passages and wagon ways over or under the same, and should the said railway intersect any other railroad or any other railroad intersect this railroad, the company so intersecting shall cause such crossing to be made so as to do the least injury possible to each and keep the same in repair.

Maps of road to be filed.

15. *And be it enacted*, That whenever said railway shall be finally located said company shall cause a topographical map and profile of the same to be made on a scale of not less than ten inches to the mile, showing what lands are taken, which map and profile shall be accompanied with a written abstract of the alignment of the centre line of said railway; said map shall be certified to under oath by the engineer of said company, and be filed within one year from the completion of the location of said road in the office of the secretary of state, and another such map comprising the whole of said railway shall also within like period be filed on record in the clerk's office of Bergen county.

Steam power not to be used.

16. *And be it enacted*, That said company shall have power to construct or have constructed, or to purchase with the funds of said company, and place and use on said railway, or any part thereof, cars, wagons, carriages or vehicles for their own use or for the transportation of passengers or any species of property for hire, but no steam power shall be used in operating said road.

Rates of transportation.

17. *And be it enacted*, That said company be and are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property over their said railway as they, from time to time shall think reasonable and expedient; *provided*, they shall not charge more than five cents per mile, and fifteen cents per ton per mile for the transportation in the carriages of the company of heavy merchandise and produce usually weighed by the ton, and for dry goods packages, light articles, coin or bullion, and express freight, such reasonable rates as the company may deem proper, or four cents per mile for every passenger, ten cents per mile for every ton carried on said road in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and the road authorized by this act shall be and is hereby declared to be a

Proviso.

pu blic highway and free for the passage of any railroad carriage thereon with passengers or property upon payment of the the tolls prescribed by this act; *provided, always*, the carriages used thereon shall be of the same description in the formation of the wheels and length of axle, and otherwise reasonably similar to those used by the company and propelled by like power, and shall be regulated as to time of running, starting, and rates of traveling by the company, in the same manner as the carriages of the company are. Proviso.

18. *And be it enacted*, That it shall be lawful for the said persons named in the first section of this act, their associates, successors or assigns constituting said corporation at any time during a continuance of its charter, to make contracts and engagements with any other corporation or corporations or with individuals for constructing, maintaining, or operating said railway, for transporting or conveying passengers and any kind of freight and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried or transported over the road of any other company, the same rates of fare and tolls as they may be entitled to demand and receive by virtue of this act for transportation and passage over their own road, and that said company may on such terms, conditions and stipulations, and for such considerations as they shall deem expedient; demise for a term of years, or transfer, sell and dispose of absolutely all or any part of the franchises, powers and privileges by the act granted, and all or any part of said railway, and all or any part of its lands, franchises and property to be acquired under or by virtue of this act, either by contract or due proceeding to take the same or any part of its rolling stock, equipments and appendages to "The Palisade Railway Company," or to any other railroad company owning and operating a railroad in the county of Bergen, and this railroad and company may be continued and connected, joined and consolidated in fact and in law with said "Palisade Railway Company," or with such railroad and company, and with its capital, property and organization, and the "Palisade Railway Company," or such other railroad company and may and hereby authorized to be continued and connected, joined and consolidated in fact and in law with this railway and company, and with its capital, property and organization; *provided, always*, that such consolidation and combination shall May make contracts. Proviso.

not be hereby authorized or allowed if the same would in anywise prevent or impair the public facilities and convenience for transportation and passage intended to be secured by this act on the line of the route of the said railway hereby authorized.

May borrow money.

19. *And be it enacted*, That the said corporation be and are hereby authorized at any time during the continuance of its charter to borrow such sum or sums of money, from time to time, and for such time as shall be necessary to build, maintain, repair or operate said railway, or to furnish the said company with all the necessary rails, buildings, cars, vehicles, animals, equipments, appendages and appliances for the uses and objects of said corporation, and to secure the payment thereof, by bond, mortgage, pledge, trust or conditional sale on or of said road, its lands, franchises, apparatus and apparel, property and appurtenances, evidences of debt, securities and choses in action, but no such bond, mortgage, pledge, trust or conditional sale shall be made at any rate of interest exceeding seven per centum per annum, nor shall the same be made or disposed of at any rate less than ninety per centum of par value without the consent, by a two-third vote of the stockholders of said company; and any negotiation or transaction thereof, at any rate of interest, discount or deduction duly authorized and certified by such two-third vote, shall not be invalidated by the reason of the rate of interest, discount or deduction thus authorized, nor shall any person or corporation incur any penalty therefor.

Dividends.

20. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of said railway.

Statement of costs and expenses to be filed.

21. *And be it enacted*, That as soon as the said railroad shall be finished the president of the 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 under oath or affirmation, make statement to the legislature of the proceeds and expenses of said railway, and from and after the said railroad or any part thereof shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the actual capital stock of said road, to be paid annually on the first Monday in January of each year, and such other state tax as may be assessed from time to time by a general law, applicable to

all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws.

22. *And be it enacted*, That the governor, the chancellor, the attorney general, the justices of the supreme court and of the court of errors of this state, and the superintendent of schools, when traveling for the purpose of discharging the duties of their office, and members of both houses of the legislature of this state during its annual or other sessions, may pass and repass upon said railway in the cars of the company free of charge. Who may ride free of charge.

23. *And be it enacted*, That if any person shall wilfully or maliciously injure said railway or any buildings, works, machinery, animals or other property of the said corporation, such person or persons shall forfeit and pay therefor to the corporation three times the amount of damage sustained by 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.

24. *And be it enacted*, That from and after the fourth day of July, eighteen hundred and seventy-three, this act shall become void as to so much of said railway as shall not be then completed and in use, and in case the said company after the road is completed, shall abandon the same or any part thereof or cease to use it or such part thereof in repair for the period of one year, then and in that case the franchises granted to said company shall be annulled, and the title to the lands and premises over which said railway is located, shall revert to the person or persons who would have been legally entitled thereto if this said railway had not been located; *provided, however*, that if such abandonment or failure to use or repair shall be caused by the acts of the state or general government of the United States, or by public enemies during war, invasion, riot or insurrection, such forfeiture shall not inure for the period of such interruption and one year thereafter, and in case of forfeiture the superstructure of said railway, its equipments, appliances and appendages, shall be deemed and taken to be personal property of said company or their assigns, and shall be by them removed and disposed of within six months after such forfeiture, or in default thereof the same shall be forfeited and pass to the public authorities of the township in which said railway is situated. When act is to become vacant. Proviso.

25. *And be it enacted*, That at any time after the expiration

Proceedings in case the state elect to take road.

of fifty years from the passage of this act, the legislature of this state may cause an appraisement of said railway and appendages 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 person, 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 name said 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 appraisement which shall be binding upon said company, and in case the said six commissioners appointed as aforesaid cannot agree upon the seventh person, then upon two weeks' notice to the said company the said chief justice shall appoint such seventh man, 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 railway upon payment to the company or their assigns of the amount of said appraisal within one year after electing to take said road, which report shall be filed in the office of 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 or their assigns of the amount so reported; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof.

Proviso.

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

Approved April 6, 1866.

CHAPTER CCCCLIII.

An act to incorporate "The Amwell Mills Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph J. Frazer, Alexander H. Holcomb, Charles A. Skillman, Joshua Hitton, William V.

Cooley, Augustus N. Barber and Samuel Johnson their associates and successors, be and they are hereby created a body politic and corporate by the name of the Amwell Mills Company, for the purpose of spinning, manufacturing and weaving articles and fabrics consisting, in whole or part, of silk, cotton, linen and wool and of buying, selling and dealing in the same; and for that purpose may purchase, hold, sell, convey, mortgage, lease or otherwise dispose of such real and personal property as may be needful and proper for the carrying on of said business, or which may accrue to them in the prosecution thereof.

Place of business.

2. *And be it enacted*, That the said company may carry on their business at Lambertville, in the county of Hunterdon, and may establish their principal office at such place in this state as they shall deem proper, and may change the location thereof from time to time, as the directors of said company may deem to be for the interest thereof.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said company shall be sixty-five thousand dollars, divided into shares of one hundred dollars each, and said shares and all other shares of stock issued by said company shall be deemed to be personal property, and be transferable in such manner as shall be from time to time prescribed by the by-laws of the company; and that said company may increase their capital stock from time to time, and may issue shares accordingly, but such stock shall at no time exceed in amount the sum of two hundred thousand dollars.

May issue certificates of shares for property.

4. *And be it enacted*, That it shall be lawful for said company to grant and issue certificates of shares in part or in full payment for any real or personal or leasehold property that may be purchased or leased by them, and that books of subscription to said capital stock may be opened under the direction of the board of directors herein named, or some one of them to be designated for that purpose by said board, and at such time and place as the board may appoint, and shares may be issued accordingly to the subscribers thereof when paid in full, and when shares to the amount of twenty thousand dollars shall have been issued in accordance with this act, then it shall be lawful for said company to commence and carry on their business.

Board of management.

5. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, not less than three nor more than seven in number, as said by-laws shall from time to time establish, a majority of whom shall

be residents of this state; that said board shall organize by appointing one of their number to be president and a suitable person to be secretary, and may afterwards appoint such officers and agents as they may deem necessary, and may by their by-laws fix their duties and compensation, and that the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue until the first Tuesday in June next, and until others are elected in their stead.

Election of directors.

6. *And be it enacted*, That the directors of said company shall be chosen annually on the first Tuesday in June, at such time and place, and on such notice as said by-laws may fix; that all elections shall be by ballot, and that each share of said stock shall be entitled to one vote which may be given in person or by proxy, and if at any time, or for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election shall be regularly held according to the requirements of the by-laws in that behalf or of this act, and that any vacancy in the board hereby appointed, either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board or the majority of the same, and that in any election of directors the persons having or receiving the greatest number of votes shall be directors, and shall continue in office until their successors are elected.

Share of stock may be declared forfeited for non-payment of installments.

7. *And be it enacted*, That it shall be lawful for the board of directors, or a majority of them, from time to time, to demand from the stockholders, or others subscribing for the stock, all sums of money subscribed to said capital stock, and to any increase of the same under this act, in such proportion and at such times as they may deem proper, and if such payments shall not be made within thirty days after the day fixed for that purpose, fifteen days' notice of the time and place of such payment being first published in one or more of the newspapers published in the county where said company's principal office is located, designating the amount of such payment per share, and the time when, place where, and person to whom the same may be paid, such board may declare forfeited, and forfeit to said company all installments paid on such subscriptions, and all right to the shares so subscribed for.

8. *And be it enacted*, That a majority of the directors from

time to time shall form a board for transacting the business of the company, and may make such by-laws, rules and regulations as they deem expedient for the government, management and disposition of the stock, effects, profits and concerns of said company, not contrary to the constitution and laws of this state or of the United States, but no dividends shall be declared or paid except from the actual net profits of said corporation, and that no transfer of stock shall be valid until the same be entered in the books kept by said company for that purpose. Powers of directors.

9. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned especially for that purpose by the board of directors or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county, at least three times in each week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein, and upon such dissolution the directors for the time being, or the survivor or survivors of them, or such other person or persons as the board shall appoint for that purpose, shall be trustee or trustees for settling the affairs of the company and paying its debts and dividing the surplus among the stockholders according to the respective interests therein. How dissolved. Proviso.

10. *And be it enacted*, That this act shall continue in force for the period of twenty-five years, but the same may be altered or amended by the legislature whenever the public may require it. Limitation.

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

Approved April 6, 1866.

CHAPTER CCCCLIV.

A supplement to an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved March eleventh, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lien given by the act to which

Lien to extend to property of married women.

this is a supplement and the supplements thereto, shall be and is hereby extended to all buildings of whatever description within this state, and to the lots of land and curtilages whereon the same are erected, for all debts contracted, for work done or materials furnished for or about the erection, completion or repairing of such buildings upon the lands of a married woman; *provided*, that for any materials furnished or work done in the erecting or repairing of any such building, the owner thereof shall express or give her consent in writing, whether under seal or otherwise, which consent may be expressed or given at any time, either before the work is done or the materials furnished, or at any time afterwards and before the filing of said lien claim.

Proviso.

Against whom lien may be filed.

2. *And be it enacted*, That the lien given by the act to which this is a supplement, or the supplements thereto, shall and may be claimed, filed and enforced, by suit, against the builder or builders of any building, their executors or administrators, and against the owner or owners of the building and the lot of land and curtilage, their executors or administrators.

Repealer.

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.

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

Approved April 6, 1866.

CHAPTER CCCCLV.

An act to incorporate the Burlington county Marl and Transportation Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Irick, John Butterworth, Samuel Butterworth, Charles B. Jones, James W. Allen, John R. Slack, Benjamin H. Champion, Charles Austin, Charles Bispham, Samuel Dobbins, Samuel Stockton, and such others as may be associated with them, and their successors are hereby declared to be a body corporate and politic, by the name of "The Burlington County Marl and Transportation

Company," and their principal place of business shall be at Vincentown in the county of Burlington.

2. *And be it enacted*, That the amount of the capital stock of the said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be deemed personal property, and which shall be transferable only on the books of this corporation. 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 aforesaid, at such time or times, place or places, in this state, and upon such notice as they or a majority of them shall think proper; and at the time of subscribing for said stock, five dollars on each share shall be paid to said commissioners, or shall be satisfactorily secured, and the residue of the subscription shall be paid in such installments, and at such times and places, and to such person or persons as the directors of said company shall from time to time direct, by giving twenty days' notice in a newspaper printed and circulated in the county of Burlington; and upon failure of payment thereof, the said 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 said company; and whenever ten thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall as soon as they deem it expedient, give like notice of a meeting of the stockholders, at such time and place as they may designate, to choose seven directors, a majority of whom shall be residents of this state, who shall hold their office for one year, or until others are duly elected; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the directors chosen at such meeting, or at the annual 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 then current year, by the said board of directors. Commissioners to receive subscriptions to capital stock. Election of directors.

4. *And be it enacted*, That the said company when organized as aforesaid, shall be and they are hereby authorized to purchase, take, have, hold, occupy and convey such and so May own and open marl beds.

many marl beds as they may deem proper, situate in the county of Burlington, and to open and work the same and to transport the marl taken therefrom, and lime and other fertilizers from place to place, and to vend the same, and to purchase, hold and convey such other lands, and to erect such buildings thereon as may be necessary or convenient for said business, and to build, hold and use the railroads hereinafter mentioned, and the lands necessary therefor, and to lay, keep and maintain drains through the contiguous and adjacent lands, for the benefit of their said marl beds in the manner hereinafter mentioned.

Power to lay out and construct railroads.

5. *And be it enacted*, That the directors of said company are invested with full powers to lay out and construct a railroad or railroads in the county of Burlington, to run from the Vincentown branch of the Burlington county Railroad or any of the railroads connecting therewith to the marl beds or other lands of the said company, or to any other marl beds situate in said county, and to construct said railroad with as many tracks as may be deemed proper, and to run engines and cars on said roads for the transportation of persons and of said marl and fertilizers, and of such other kind of property as they may deem expedient, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property, as they may from time to time think reasonable; the land to be taken for each of said roads not to exceed one hundred feet in width, and when the same shall cross any public highway, the crossing shall be 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.

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 for the purpose of surveying and laying out the route of the said railroads and locating said drains, or any or either of them, and of subsequently altering the location thereof, doing no unnecessary damage to private property, and when any part of the location of such road or drains, or any or either of them shall have been determined on, and a survey deposited in the office of the clerk of the county, the officers, engineers, agents, superintendents, contractors, workmen, and the persons in their employ, compensation being first made therefor in the manner hereinafter provided, may enter upon the possession of and hold, use, occupy and exca-

vate any such lands or such parts thereof as may be necessary for the purposes aforesaid, and may erect embankments, viaducts, and all necessary works thereon, and may lay rails and do all other things which may be suitable and necessary for the making, completion or repair of said railroads, or any of them, and may lay, make or repair said drains from their said marl beds, and may carry into full effect the object 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 railroads or drains, or any of them, or any of their 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 railroads or drains, or any of them, shall cross any lands 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 theref, 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 lands or materials so required, shall be given in writing, under the oath or affirmation of some engineer or other 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 circuit court of the county, who shall cause the said company to give notice thereof to the person or 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 fifteen 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 impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said railroads, and assess the charges which will be occasioned thereby, or which may be occasioned as the case may be, by the laying nnd maintaining said drains, or any of them, upon such notice given to the person or persons interested, as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first

taken and subscribed an oath or affirmation, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land and materials as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages which will be occasioned by laying and maintaining said railroads or any of them, or as the case may be, to make an assessment of the damages which will be occasioned by the laying and maintaining said drains or any of them, and which said assessments shall be paid by the said company, and which said report shall be in writing, under the hands and seals of the said commissioners or a majority of them, and filed with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein, which report or a copy of the same duly certified by said clerk shall (the appraisement and damages being first paid or tendered, or deposited in said clerk's office) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land or materials, or to make, maintain and repair the said drains.

May borrow money.

8. *And be it enacted*, That it shall be lawful for the directors of the said company from time to time to borrow such sums of money as may seem to them advisable for the purposes of their said business, and to secure the same by a mortgage or mortgages on the lands, railroad or other property of said company.

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

Approved April 6, 1866.

CHAPTER CCCCLVI.

An act to authorize the Second Baptist Church of Camden to sell property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and trustees of the Second Baptist Church of Camden be and they are hereby authorized to sell and convey the lands and buildings now owned by them, located on the southeast corner of Fourth and Division streets in the city of Camden, for the best price they can obtain therefore, and to invest the proceeds of such sale in the purchase of other lands and erection of buildings thereon for the use of said church. Power to sell and convey land.

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

Approved April 6, 1866.

CHAPTER CCCCLVII.

A supplement to an act entitled "An act to incorporate the Palisade Railroad Company," approved March fourteenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act to which this is a supplement be and the same is hereby amended so as to read as follows: Former act amended

"7. *And be it enacted*, That the said company be and are hereby authorized to enter on, survey, lay out, construct and operate a railway to commence at some point in, at or near the village and town of Guttenberg, in the county of Hudson, and running from at or near said village of Guttenburg from some point on the top or plateau of the Palisades, and along said top or plateau of the Palisades to a point at or near the village of Coytesville in the township of Hackensack in said county of Bergen." May construct a railway.

Dummy engine.

2. *And be it enacted*, That the words "Dunning engine," in last line of the sixteenth section of said act be struck out, and the words "dummy engine" be inserted in their place.

Capital increased

3. *And be it enacted*, That the capital stock of said company may be increased from one hundred thousand dollars, to two hundred and fifty thousand dollars and the same may be increased from time to time, in such installments, and in such manner as the by-laws, regulations or resolutions of said company shall duly establish.

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

Approved April 6, 1866.

CHAPTER CCCCLVIII.

A further supplement to an act entitled "An act to incorporate the Cape Island Turnpike Company," approved March first, anno domini, eighteen hundred and fifty-one.

A majority of directors to constitute a quorum

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the affairs of the said turnpike company shall be managed by a a board of seven directors, a majority of whom shall be a quorum for the transaction of business, who shall hold their offices for one year and until others shall be elected in their stead, at which elections every stockholder shall be entitled to one vote either in person or by proxy, for every share of stock he may own.

Part of the provisions of former act repealed.

2. *And be it enacted*, That so much of the act to which this is a supplement which makes it unlawful for any carriage, stages, pleasure wagons, omnibuses or other vehicles to carry on said road at any one time more than nine passengers besides the driver, and inflicts a penalty on the person who shall do so, together also with such other parts of said act which are inconsistent with the provisions of this act be and the same are hereby repealed.

May receive additional toll.

3. *And be it enacted*, That it shall be lawful for the said company to demand and receive such additional amount of toll for any such vehicle not to exceed one-half of one cent per mile for each passenger carried beyond the amount above limited.

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

Approved April 6, 1866.

CHAPTER CCCCLIX.

A supplement to an act entitled "An act to incorporate the New Jersey Paper Manufacturing Company," approved March thirtieth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "New Jersey Paper Manufacturing Company," incorporated by the act to which this is a supplement, may commence business as soon as twenty thousand dollars of the capital stock shall have been subscribed and paid or satisfactorily secured to be paid, and with that capital conduct and carry on their operations; and that it shall be lawful for the said company to manufacture cotton, woolen and such other fabrics and articles as the directors of said company may determine; anything in the said act to which this is a supplement to the contrary notwithstanding. When company may commence business.

2. *And be it enacted*, That the said company shall hereafter be known as the New Jersey Manufacturing Company. Name of company.

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

Approved April 6, 1866.

CHAPTER CCCCLX.

An act to incorporate the "Middletown 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 Middletown Turnpike Company shall be opened by Elias W. Conover, John L. Conover, George C. Hendrickson, Charles Mulford, Edward Taylor, Charles J. Commissioners to receive subscriptions to capital stock

Hendrickson, Azariah Conover, Joseph Field, John H. Patterson, George C. Murray, and Samuel Patterson, or a majority of them, who are hereby appointed to receive subscriptions to the said stock at such time and place as they or a majrity of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in Monmouth county.

Amount of capital stock

2. *And be it enacted*, That the capital stock of the said company shall be six thousand dollars, with liberty for the said company to increase the same to a sum not exceeding twenty thousand dollars, and shall be divided into shares of twenty dollars each; and that when one hundred and fifty shares shall be subscribed for and taken, the persons holding the same shall be, and they are hereby incorporated into a company by the name and style of the Middletown Turnpike Company," and by that name and style shall have, enjoy, and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the object of this act into effect.

Amount to be paid on subscribing.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid upon each share subscribed for to the said commissioners or any of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in the 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, or to sue for the amount thereof, to and for the use of said company.

Act how made void.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company be not subscribed for within five years from the time of opening 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 to their respective subscribers, or their representatives, in proportion to the sums paid by them.

5. *And be it enacted*, That when one hundred and fifty shares

of said stock 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 the books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors, a majority of whom shall be citizens of this state, to manage the affairs of the 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 by the holder or holders thereof, either in person or by proxy. Election of directors.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the directors as aforesaid shall elect from their number a president of their said company, who shall be a citizen of this state and resident of the county of Monmouth, who shall hold office for one year, and until another shall be elected, and who shall receive such compensation for his services as a majority of said directors shall direct, and shall be 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 to do so, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority and perform all the duties herein prescribed. Election of president.

7. *And be it enacted*, That the directors, or a majority of them, may supply any vacancy in the interval between the annual elections by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and a resident of Monmouth county, 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 they may exact from them such security for the due performance of their respective trusts as they Vacancies how supplied.

may deem 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 to regulate the transfer of the stock and the general government of the company and (the) management of its affairs; *provided*, the same are not repugnant to the constitution or the laws of the state or the United States.

Proviso.

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

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the said president and directors, or by the stockholders holding one-fourth of the whole stock of the company by giving notice of the time and place 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 company to be exhibited to them by the president and directors.

Not to be dissolved by failure to elect.

10. *And be it enacted*, That if from any cause an election hereinbefore named shall not be held 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 held the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

May construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road in the county of Monmouth, from the village of Middletown to the end of the bridge near James Cooper's house, with the privilege of extending the same to the Middletown railroad station; *provided*, such extension shall be commenced within five years and finished within eight years, which said turnpike road shall be constructed on and along the public highway beginning where the road from Keyport to Middletown village connects with the highway leading from that village to the bridge over the North Shrewsbury river at Cooper's

hill, thence along said highway to the corner of the highway at George C. Hendrickson's tenant house, thence along the highway to the said bridge near J. Cooper's house, except in those places where the highway is not straight; and in those places the said company shall have power to construct the said turnpike road where they may deem proper, and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made, and which said extension or branch turnpike road may be constructed as aforesaid on and along the public highway leading from G. C. Hendrickson's corner to the Middletown railroad station, the whole to be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be faced with gravel, and shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, and the bridges already constructed on said route shall be deemed of sufficient width as now constructed, and whenever the said roads shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained on the side, so as to prevent horses and carriages running off; and the said company may, by their officers, agents or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, sand or clay, for constructing or improving said road as aforesaid, doing no unnecessary damage to said lands; *provided*, that before the said company shall construct the said turnpike roads aforesaid, they shall pay to the respective owners of the land, over which the same may pass, all damages which the said owners may sustain by reason of the construction of said turnpike roads, and in case the said company and the owners cannot agree upon the amount of said damages, then the 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 may sustain by the taking of stone or gravel, from his land for the construction or maintaing said turnpike road, and branch turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said roads or either of them are to be constructed, paying damages

Proviso

which the owners will sustain thereby, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proceedings when company and owners cannot agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and beasts of burthen and draught, and all necessary materials, and 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 might make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and to take and carry away stones, gravel, sand clay, earth or other material therefrom, suitable for making or repairing 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 where 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 roads 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, if any there be, and of the owner or owners, if known, and their residence if the came 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 the said company to give notice thereof to the persons interested, if known and in the state, or if unknown or out of this state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, 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 lands and materials and to assess the damages, upon such notice 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 the said commissioners, 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 the time and place appointed and to view and examine the said lands and materials, and to make a just and equitable appraisement 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 appointments, oaths and affirmations, 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 the 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 costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall continue a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, 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.

Gates to be erected.

13. *And be it enacted*, That as soon as the said company shall have constructed said road, in a workmanlike manner, according to the several directions in the eleventh section and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile and all fractions of a mile of said road not exceeding the following rates, to wit:

Rates of toll.

For every carriage, sleigh or sled drawn by one beast, one and a half cents;
For every additional beast, one and a half cents;
Or led horse or mule, eight mills;
For every dozen of calves, sheep or hogs, one and a half cents;

For every dozen of horses, mules or cattle, six cents; And it shall and may be lawful for the toll gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this 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 public worship on the Sabbath day, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral, or any militiaman to or from any training on any muster day, appointed by law, or any other military officer or soldier passing or repassing when called to duty by the laws of this state or of the United States.

Miles stones to be erected

14. *And be it enacted*, That before the said company shall receive toll for traveling said road they shall cause mile stones or posts to be erected and maintained, one for each and every mile in use on said road, and upon each stone or post shall be fairly marked the distance the said stone or post is from Middletown village, 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 painted, in large letters, "keep to the right as the law directs."

Penalty for injury to works.

15. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile stones or posts so erected on either of the said roads, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an act of damages for the same, to be recovered by the said company by an action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn out of said road to pass a gate or gates on private grounds adjacent thereto, and again enter upon said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said

gate, to be recovered by the said company for the use thereof in an action of debt, with costs of suit.

Penalty for unnecessary delay of travellers.

16. *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 demand and 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.

17. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing directions, leaving the other side of the road free and clear for other carriages, sleighs, 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 so obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings when road and bridges are not kept in repair.

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof be made to any judge of the court of common pleas of the county of Monmouth, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view the said road and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately 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 the said judge, refuse to open the said gate or turnpike and 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 judge 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 from said company, again to view the said road or bridge and report, as aforesaid, their opinion to the said judge, who shall, if

authorized by the report of the 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, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When toll may be demanded.

20. *And be it enacted*, That whenever the said company shall have completed any two consecutive miles of either of said roads according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll gate across said road and demand and receive toll for traveling thereon, agreeably to the foregoing rates.

Restrictions and liabilities.

21. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

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

Approved April 6, 1866.

CHAPTER CCCCLXI.

An act to incorporate "The Trenton Gold and Silver Mining Company of Colorado."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Peters, Samuel Prior, Jacob Snyder, George F. Brown, W. D. Holt, Israel Howell and John L. Murphy, and their associates and successors, be and they are hereby created a body politic and corporate by the name, style and title of "The Trenton Gold and Silver Mining Company of Colorado," and by that name shall be capable of sueing and being sued, impleading and being impleaded, in any court of record or elsewhere, and of granting and of receiving, in its corporate name, property, real, personal and mixed, and of holding and improving lands and

working mines in the territory of Colorado and elsewhere, and leasing or disposing of privileges to work such lands or mines, or any part thereof, and shall have the right to mine gold and other minerals, and transport the same to market, and do such other acts and things as may belong to the mining business as they may deem proper.

Power to make by-laws, &c.

2. *And be it enacted*, That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure, and to adopt a common seal, and to alter the same; *provided*, that the said by-laws shall not be contrary to the constitution and laws of the United States and of the state of New Jersey.

Proviso.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to two hundred thousand dollars, divided into shares of not less than five dollars each; and the business of the company shall be managed by seven directors, to be elected annually by the stockholders at such time, and in such manner, as the by-laws shall provide; but they shall hold office until their successors shall be elected; and the said Daniel Peters, Samuel Prior, Jacob Snyder, George F. Brown, W. D. Holt, Israel Howell and John L. Murphy shall be the first directors and shall hold their offices until the first annual election.

First directors.

Location of principal office.

4. *And be it enacted*, That the said company may carry on its business and establish necessary offices, under the direction of its officers in such places as they may deem expedient, but the principal office shall be located at the city of Trenton, in this state.

Limitation.

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

Approved April 6, 1866.

CHAPTER CCCCLXII.

A further supplement to an act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six,

Dividends to be declared.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all manufacturing corporations within this state shall, on the first day of August in each and every year, unless some other specific day for that purpose be fixed in their charter, and in that case then on the day so fixed, after reserving over and above their capital stock paid in as a working capital for said corporation a sum to be specified by their board of directors, and not exceeding the amount of one-half of the capital stock paid or secured to be paid, declare a dividend of the whole of their accumulated profits exceeding the amount so reserved as working capital, and pass the share or dividend of each stockholder of such profits to the credit of their respective stockholders, and pay the same to such stockholders on demand.

Approved April 6, 1866.

CHAPTER CCCCLXIII.

An act to confirm acknowledgments and proofs of deeds, mortgages and other instruments of writing taken by Edward Armstrong.

Preamble.

WHEREAS, it appears to the legislature that Edward Armstrong was duly appointed by the governor of this state, a commissioner for the state of Pennsylvania, at the city of Philadelphia, to take the acknowledgments and proof of deeds and mortgages of lands lying in this state, and any other instruments in writing under hand and seal required by the laws of this state, to be acknowledged or proved, and that the said Edward Armstrong inadvertantly con-

tinued to take acknowledgment and proofs of deeds, mortgages and other written instruments as such commissioner after the expiration of the term of his commission, by reason of which, such acknowledgments and proofs are defective, and innocent persons may be subjected to loss; therefore for the remedy of the same,

Former acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage or other instrument of writing, heretofore taken and certified by the said Edward Armstrong shall be deemed defective by reason of such acknowledgment or proof having been taken and certified after his term of office had expired, but all such acknowledgments and proofs shall have the same validity and effect as if the said Edward Armstrong had been at the time of taking and certifying such acknowledgments and proofs duly authorized by law to take and certify the same.

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

Approved April 6, 1866.

CHAPTER CCCCLXIV.

A further supplement to the act entitled "An act to incorporate the Warren Foundry and Machine Company," approved March third, anno domini eighteen hundred and fifty-six.

Preamble.

WHEREAS, the business of said company was greatly depressed during the last four years, and their property having depreciated in value; therefore,

Capital stock may be reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company may reduce the amount of the capital stock of said company to the sum of one hundred thousand dollars; *provided*, three-fourths in value of the stockholders of said company shall first consent thereto in writing.

May borrow money.

2. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as they shall deem necessary for the use of the com-

pany, and to secure the repayment thereof by bonds and mortgage or otherwise on the property of the company, at a rate of interest not exceeding seven per centum per annum; *provided*, that the amount of such bonds shall not at any one time exceed the sum of fifty thousand dollars.

Proviso.

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

Approved April 6, 1866.

CHAPTER CCCCLXV.

An act to change the name of "The Baptist Church at Nottingham Square," incorporated by certificate dated the first day of September, eighteen hundred and twelve, and recorded in the clerk's office of Burlington County.

Change of corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Baptist Church at Nottingham Square" is hereby changed to "The Hamilton Square Baptist Church."

Rights and liabilities

2. *And be it enacted*, That all lands and real estate now held by the same, and all bequests heretofore made, and now pending, shall be held by the said corporation, the same as if the name or title thereof had not been changed; and further, that all the legal rights and liabilities of said corporation shall remain the same as if this act had not been passed.

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

Approved April 6, 1866.

CHAPTER CCCCLXVI.

An act to authorize and enable "The New York Nut Company" to hold lands and real estate in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The New York Nut Company" shall be and said company is hereby authorized and empowered to receive and hold in fee simple or otherwise, lands, tenements, hereditaments and real estate situate in this state, not exceeding five hundred acres, and to lease, sell, mortgage, or otherwise use or dispose of, the interest and estate of said corporation in said lands. Power to hold lands.

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

Approved April 6, 1866.

CHAPTER CCCCLXVII.

An act to incorporate the Williamstown Glass Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Bodine, William H. Bodine, Jonathan H. Morgan, Joel A. Bodine, and Daniel L. Dawson, and such other persons as may be hereafter associated with them, shall be and are hereby made, constituted and declared a corporation and body politic, in fact and in law, by the name of "The Williamstown Glass Manufacturing Company," for the purpose of manufacturing, procuring, selling and otherwise disposing of glass, and for the transaction of any other business, properly connected therewith; that the principal factories of said corporation shall be located at Williamstown, in the county of Camden, in this state, and it may purchase, procure, hold and enjoy all such lands, tenements and hereditaments, and all such engines, Names of corporators.

machinery, tools, goods, chattels and other personal property as may be necessary or proper for conducting said business, and the same to sell, convey, mortgage, lease, or otherwise dispose of at pleasure.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of ten dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such installments, and on such notice as the said corporation by their by-laws or otherwise may direct or appoint; that in case of a failure by any stockholder to pay any installment or installments on his stock, at the time and place appointed for the payment thereof, the same may be forfeited by order of the board of directors, to and for the use of the corporation, that the capital stock shall be deemed personal property, and shall be transferable in such a way as the by-laws may direct, and at all stockholders' elections, each share shall be entitled to one vote, to be given in person or by proxy, by the holder thereof; and that the board of directors may at any time or times hereafter increase said capital stock to an amount not exceeding two hundred thousand dollars.

First directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than three directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn; that the said John F. Bodine, William H. Bodine, Jonathan H. Morgan, Joel A. Bodine and Daniel L. Dawson, shall be the first board of directors, to serve until others shall be elected in their stead; that the said directors or a majority of them, as soon as conveniently may be hereafter, shall appoint one of their number to be president of said corporation, until another shall be appointed in his stead; that if a vacancy should occur in said board of directors by death, resignation or otherwise, the remaining members may at a subsequent meeting of the board fill such vacancy.

Election of directors.

4. *And be it enacted*, That there shall be an annual election by the stockholders for directors, held at some place in the county of Camden, on or before the first Tuesday of May, eighteen hundred and sixty-seven; that all subsequent annual elections of directors shall be at such time and place, and on such notice as ordained by the by-laws, and that the judge of all such elections shall be appointed by the stockholders assembled thereat; but if it should happen that an election of directors should not be had on or before the first

Monday in May, eighteen hundred and sixty-seven, or at the time appointed for any subsequent annual election, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time and place, and on such notice as the board of directors shall appoint; that every board of directors as soon as conveniently may be after their election shall appoint from their number a president of said corporation to serve until another shall be appointed in his stead, who shall, if present, preside at all meetings of the board and perform all other duties appertaining to his office, that stated meetings of the board shall be held at such times and places as the by-laws ordain, but adjourned or special meetings may be held by adjournment or appointment of the board, on call of the president or whenever all the members of the board may assemble and consent to act.

Dividends.

5. *And be it enacted*, That dividends of so much of the profits of said corporation as shall be deemed advisable to distribute, shall be made and paid to the stockholders semi-annually, at such stated periods as the board of directors shall appoint.

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

Approved April 6, 1866.

CHAPTER CCCCLXVIII.

An act to incorporate the Paterson Car Spring and Manufacturing Company.

Names of corporators.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That William S. Hudson, Lawrence Holms, William G. Watson, Absalom B. Woodruff and John D. Shorrock, 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, shall be, and they are hereby constituted and declared a body politic and corporate in fact and in law by the name of "The Paterson Car Spring and Manufacturing Company," for the purpose of carrying on the business of manufacturing cars, car

springs and other springs, machinery and engines, and that the persons above named 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, patents, patent rights, goods and chattels, of whatever kind or quality, and the said lands, tenements, hereditaments, patents, patent rights, goods and chattels, or any part thereof to sell, grant, demise, alien, mortgage and dispose of.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with liberty to increase the same to six hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and after five hundred shares shall have been subscribed, and fifty thousand dollars shall have been paid in, or satisfactorily secured, such company may purchase manufactories, patents, patent rights 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 future assessment as payment therefor.

Time for receiving subscriptions.

3. *And be it enacted*, That the subscription of said stock shall be open at such place as the directors shall designate, 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.

Election of directors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year, from the first day of April in every year, and that the said directors shall be chosen on the third Monday of March in every year, or other day to be fixed by the by-laws, at least six months previous to their election, at such hour and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner to be provided for in the by-laws, and the five persons who shall receive the greatest number of votes shall be the directors; and if it shall happen that any vacancies occur, in any manner, such vacancy may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors, until the time when the persons elected, at the next election for directors, shall take their offices by virtue of such election; and that William S. Hudson, Lawrence Holms, William G.

Watson, Absalom B. Woodruff and John D. Shorrock, shall be the first directors, and they and the survivors or survivor of them shall remain such directors until others are chosen according to this act.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate and transferable in such manner as shall be prescribed by the by-laws of said company; and no dividend shall be made to and among the stockholders except from and out of the profits of the said corporation,

Not to be dissolved for failure to elect.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day on which, pursuant to this act, it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be directed by the said company.

Books of account to be kept.

7. *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 and kept all the transactions of the said company, which books shall at all times be open to the inspection of the stockholders of said company; and a correct and full statement of the affairs of said corporation shall be made to the stockholders at their annual meeting for the election of directors, hereinbefore provided.

Transfer of stock to be registered.

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

Approved April 6, 1866.

CHAPTER CCCCLXIX.

A supplement to an act relative to the appropriation of moneys for common school education, being supplementary to the "Act to establish Public Schools," approved March eighteenth, eighteen hundred and fifty-eight.

School fund. Appropriation to be among the several counties

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of forty thousand dollars per annum be and the same hereby is appropriated from the income of the fund, under the direction of the trustees, for the support of free schools in New Jersey, to be apportioned among the several counties in this state, as directed by the first section of the act entitled "An act to establish Public Schools," approved March fourteenth, eighteen hundred and fifty-one.

Appropriation to be made from the revenue of the state.

2. *And be it enacted*, That from the revenue of the state, the sum of forty thousand dollars per annum shall be appropriated to be apportioned in the same manner among the several counties of this state in addition to the sum of forty thousand dollars from the annual income of the school fund, as mentioned in the preceding section of this act.

Trustees to make division of appropriation.

3. *And be it enacted*, That the trustees of the school fund of this state shall have authority to divide the aforesaid sum of eighty thousand dollars in two or more annual installments which shall be paid by the state treasurer, on the warrant of the comptroller, to the several county collectors, at such times as the said trustees may direct.

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

Approved April 6, 1866.

CHAPTER CCCCLXX.

Supplement to "An act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey."

Compensation

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 the senate and the clerk of house of assembly, each the sum of five hundred dollars, in addition to the compensation now allowed by law; to the assistant secretary of the senate and the assistant clerk of the house of assembly the sum of three hundred dollars in addition to the compensation allowed by law; to the engrossing clerks of the senate and house of assembly the sum of four hundred dollars in addi-

tion to the compensation allowed by law; to the sergeant-at-arms of the senate and house of assembly the sum of one hundred and fifty dollars in addition to the compensation allowed by law; to each of the pages of the senate and house of assembly the sum of fifty dollars in addition to the sum allowed by law.

2. *And be it enacted*, That this act shall apply only to the officers of the present senate and house of assembly, and it shall take effect immediately.

Approved April 6, 1866.

CHAPTER CCCCLXXI.

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

Amount of state tax to be levied and collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed and levied and collected, on the inhabitants of this state and on their taxable real and personal property, and upon the other objects liable to taxation, a state tax of three hundred and fifty thousand dollars, which is hereby appropriated and shall be applied as follows: two hundred and eighty thousand dollars or so much thereof as may be needful to the payment of such interest as shall have accrued on the first day of January next, and on the first day of July next thereafter, on loan authorized by an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one; and the residue thereof, above what may be necessary to pay the said interest, shall be applied and added to the sinking fund provided for by the fifth section of said act towards the payment of the principal of said loan; and seventy thousand dollars of the said tax shall be applied, so much thereof as may be needful, to the payment of any other indebtedness of the state, and the residue thereof to any other uses of the state; which said state tax shall be and

the same is hereby apportioned to and among the several counties of this state as follows, that is to say:

Altantic. To the county of Atlantic the sum of two thousand one hundred and ninety-five dollars;

Bergen. To the county of Bergen the sum of fifteen thousand two hundred and thirty-three dollars;

Burlington. To the county of Burlington the sum of twenty-three thousand and ninety-seven dollars;

Camden. To the county of Camden the sum of sixteen thousand two hundred and eighty-one dollars;

Cape May. To the county of Cape May the sum of two thousand and twenty dollars;

To the county of Cumberland the sum of ten thousand two hundred and fifty-one dollars;

Essex. To the county of Essex the sum of forty-seven thousand three hundred and twenty-four dollars;

Gloucester. To the county of Gloucester the sum of nine thousand two hundred and thirty dollars;

Hudson. To the county of Hudson the sum of fifty-one thousand nine hundred and fourteen dollars;

Hunterdon. To the county of Hunterdon the sum of nineteen thousand nine hundred and ten dollars;

Mercer. To the county of Mercer the sum of twenty thousand and seventy-four dollars;

Middlesex. To the county of Middlesex the sum of sixteen thousand three hundred and fifteen dollars;

Monmouth. To the county of Monmouth the sum of nineteen thousand two hundred and eighty-six dollars;

Morris. To the county of Morris the sum of fifteen thousand five hundred and sixty-eight dollars;

Ocean. To the county of Ocean the sum of two thousand and thirty-eight dollars;

Passaic. To the county of Passaic the sum of twelve thousand three hundred and two dollars;

Salem. To the county of Salem the sum of fourteen thousand and forty-two dollars;

Sussex. To the county of Sussex the sum of eleven thousand three hundred and seventy-eight dollars:

Somerset. To the county of Somerset the sum of thirteen thousand two hundred and twenty-one dollars;

Union. To the county of Union the sum of thirteen thousand nine hundred and sixty-six dollars;

Warren. To the county of Warren the sum of fourteen thousand three hundred and fifty-five dollars;

which tax, and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected on the persons and property and in the manner directed by the above recited act entitled "An act concerning taxes," and the laws of this state which shall be in force at the time the said taxes shall be assessed regulating the assessment and collection of taxes, except as in and by this act is otherwise ordered and directed.

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

Approved April 6, 1866.

CHAPTER CCCCLXXII.

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 the State of New Jersey,* That section one of the act to which this is a supplement be and the same is hereby amended so that the boundaries of said city of Hoboken shall hereafter embrace that part of the county of Hudson embraced within the following boundaries, to wit: beginning at a point on the northerly line of Eighteenth street, as the same is shown on "A map of property situated at Hoboken, Hudson county, New Jersey, belonging to John G. Coster, dated eighteen hundred and sixty," one hundred feet easterly of the easterly line of the Bergen or Hackensack turnpike road, and running thence southerly and parallel with said turnpike, and one hundred feet distant therefrom to a point nine hundred and fifty feet northerly from the northerly line of Eighth street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen county clerk's office, thence easterly and parallel with Eighth street to a point where Tenth street intersects with the westerly line of Hudson street, as the same is shown on a map of a part of Hoboken, filed in the clerk's office of the county of Hudson, December thirty-first eighteen hundred and fifty-eight, from thence southerly along the easterly line of Hudson Boundaries

street as the same is shown on the map last aforesaid to the northeast corner of Hudson and Seventh streets, thence easterly along the northerly line of Seventh street to the northeasterly corner of River and Seventh streets, thence southerly along the easterly line of River street to the northerly side of Sixth street, and thence easterly along the northerly line of Sixth street to the Hudson river, and thence in continuation of said last mentioned line if protracted to the centre of the Hudson river, thence down the river and along the middle thereof to a point opposite the southerly line of Ninth street, at Jersey City, as laid down on a map of L. F. Douglass, dated eighteen hundred and forty-one, if the said line was protracted to the centre of the river, thence westerly and along the said line to the intersection of the same, with a line running one hundred feet westerly from the westerly line of Willow street, in Hoboken, if protracted to said southerly line of Ninth street as shown on L. F. Douglass' map, thence northerly and parallel with Willow street to a line one hundred feet southerly from the southerly line of Ferry street, in Hoboken, thence westerly and parallel with Ferry street to a line one hundred feet southerly from the southerly line of Newark street or turnpike to Newark, as laid down on the map of L. F. Douglass mentioned above, thence westerly and parallel with Newark street to the foot of Bergen hill; thence northerly and along the foot of the Bergen hill, at its intersection with the centre of the Paterson plank road; thence northerly and along the centre of the Paterson plank road, the several courses thereof, till it intersects with the southerly line of Ninth street, in Hoboken, if protracted to the centre of the Paterson plank road; thence easterly and along the southerly line of Ninth street until it intersects with the westerly line of John G. Coster, deceased, as laid down on the map mentioned above; thence northerly along the westerly line of said property, the several courses thereof, till it intersects with the westerly line of the Bergen or Hackensack turnpike road; thence northerly and along the westerly line of said turnpike road till it intersects with the northerly line of Eighteenth street, as the same is shown on the map of the property of John G. Coster, before mentioned; thence easterly and along the northerly line of Eighteenth street to a point one hundred feet easterly of the easterly line of Bergen or Hackensack turnpike road, the place of beginning.

2. *And be it enacted*, That sub-division eleventh of section

forty of the act to which this is a supplement be and the same is hereby amended so as as to read as follows, to wit: to licence and regulate cartmen, hackmen, auctioneers, common criers, hawkers, pedlars, junk-shop dealers, junk dealers, venders, porters, hucksters, city railroad cars, dealers in second hand articles, and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities, and to locate, regulate and remove slaughter houses and petroleum refineries. Licenses.

3. *And be it enacted*, That it shall and may be lawful for the borrower and lender of any moneys secured by mortgage upon personal or real estate situated in said city to enter into any contract or agreement whereby the borrower shall pay all governmental, state, city or township or other taxes which may or might without the passage of this act be assessed upon the money so lent or to be loaned, and the securities for the payment thereof, and all such contracts and agreements are hereby made and declared to be valid and effectual in law; and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contract or agreement, anything in any existing [law] of this stateto the contrary in anywise notwithstanding. Agreement may be made between borrower and lender.

4. *And be it enacted*, That section forty-three of the act to which this is a supplement be and the same is hereby amended by striking out therein the words "three mills" and inserting in lieu thereof the words "eight mills." Part of original act amended.

5. *And be it enacted*, That all taxes for city purposes shall annually hereafter be assessed by the assessors in said city between the second Monday in May and the twentieth day of July, and the commissioners of appeal in cases of taxation in and for said city are hereby required annually hereafter to convene on the first Monday in August, and said commissioners shall have no power after the third Monday in August to reduce or alter the assessment made by the assessors in said city under the act to which this is a supplement. Time for making assessment

6. *And be it enacted*, That if any assessor or commissioner of appeal in cases of taxation in the city of Hoboken shall neglect or refuse to perform any service or duty at the time and in the manner required by law, he shall for every such neglect or refusal forfeit and pay the sum of one hundred dollars, to be recovered with costs, by action of debt, in the Penalty for neglect of duties.

name of the mayor and common council of the city of Hoboken and for the use of said city.

7. *And be it enacted*, That this act shall be deemed a public act and shall take effect on the first day of May, one thousand eight hundred and sixty-six.

Approved April 6, 1866.

CHAPTER CCCCLXXIII.

An act to incorporate the Camden and Philadelphia Express Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Ward, Albert W. Markley, James H. Stevens, George M. Robeson, Joseph C. De La Cour, George E. Wilson and Alden C. Scovel together with such persons as shall subscribe to the stock hereby authorized, and their successors be and they are hereby constituted a body corporate and politic in law by the name of "The Camden and Philadelphia Express Company," and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended in all courts of law and equity, for the purpose of carrying on a general forwarding, carrying, and express business in the transportation of all kinds of goods, chattels, merchandise, bullion, money, specie and other articles and property to, from, and between the city of Philadelphia, in the state of Pennsylvania, and any point or place, points or places, in the county of Camden in this state, and to do all things incident to a corporation and neccessary for the purposes of this act.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars and shall be divided into shares of fifty dollars each, and the said company may organize and commence operations whenever five thousand dollars shall have been subscribed to said stock; and the said stock shall be be deemed personal property transferable only on the books of said corporation, and shall be paid in at such time, in such manner and upon such notice as the directors of the corporation may appoint.

3. *And be it enacted*, That for carrying out the purposes

mentioned in the first section, the said company may from time to time procure, hold and use such vehicles, cars, horses, and such other personal property as may be needed by them for carrying on their business aforesaid, and may also purchase hold and convey so much real estate as may be considered necessary for the proper transaction of their business. May hold and own personal property.

4. *And be it enacted*, That the business of said corporation shall be conducted by five directors, one of whom shall be president, and one the secretary and treasurer; the said directors shall hold their office one year and until others are elected in their stead; the election of directors shall be held annually, at such time and place as the by-laws of said corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held. Election of directors.

5. *And be it enacted*, That at the annual meeting of the stockholders for the election of directors, the directors shall exhibit a full and complete statement of the affairs of said company during the preceding year; and no dividends shall be declared upon the stock of said corporation, except from the net profits thereof; and this act shall continue in force twenty-five years, and that the principal office of the company be in the city of Camden. Annual statement to be made.

6. *And be it enacted*, That any steamboat ferry company lying within the county of Camden is hereby authorized to subscribe for any part of the capital stock of said corporation not exceeding however the one-half of the whole amount authorized. Who may subscribe for stock.

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

Approved April 6, 1866.

CHAPTER CCCCLXXIV.

A supplement to an act entitled "An act to alter and amend the charter of the borough of Bordentown in the county of Burlington."

Poll tax.

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 said borough to impose a poll tax from year to year not exceeding the sum of one dollar on every white male inhabitant resident within said borough, and to collect the same in the same manner as other taxes are now collected in said borough by the provisions of said charter or any supplement thereto.

Approved April 6, 1866.

CHAPTER CCCCLXXV.

A supplement to an act entitled "An act to incorporate the Rochdale Railroad Company," approved March twenty-first, eighteen hundred and sixty-six.

Preamble.

WHEREAS, an error occurred in the original act whereby the railroad authorized by said act to be built should commence at a point in Franklin township, within three miles of Saddle river, instead of from a point in Hohokus township; therefore,

Hohokus substituted for franklin.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the word Franklin occurs in the act to which this is a supplement, the word Hohokus shall be substituted therefor as part of the original act.

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

Approved April 6, 1866.

CHAPTER CCCCLXXVI.

A supplement to an act entitled "An act to prevent the disturbance of meetings held for purposes of Religious Worship," approved February second, eighteen hundred and twenty.

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 is a supplement, with all the penalties privileges and advantages thereof, shall be and hereby are extended to and for the benefit of all associations, corporations and classes, which now are or hereafter may be organized in this state, the object of which is or shall be the mutual improvement of their members in the science of vocal music. Provisions of original act extended

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

Approved April 6, 1866.

CHAPTER CCCCLXXVII.

A further supplement to the act entitled "An act making lands liable to be sold for the payment of debts," 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 all sales of real estate heretofore confirmed by any orphans' court of any county in this state at any general or stated term of such court, shall be as valid and effectual in law as if the same had been confirmed at a special term of said court; *provided*, said sale be otherwise legal. Certain sales of real estate made valid. Proviso.

2. *And be it enacted*, That the judges of the orphans' courts aforesaid be authorized and empowered to receive reports of all sales of real estate made by order of said court, at any stated term of said court of the same county in which the real estate may be situated, at any stated term of said court to confirm such sale and order title to be made to the purchaser or purchasers thereof. Judges to receive reports.

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

Approved April 6, 1865.

CHAPTER CCCCLXXVIII.

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

Time of notice defined.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any tenant is or may be entitled by law to notice to quit the premises by him holden in order to determine his tenancy, and the rent reserved upon such holding is payable at periods of less than three months, the time of such notice shall be sufficient if it be equal to the number of days between the days of payment of such rent.

Repealer.

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

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

Approved April 6, 1866.

CHAPTER CCCCLXXIX.

An act to incorporate the Vernon Agricultural Society of the county of Sussex.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Drew, Samuel D. Harrison, Samuel Drew, Edsall W. Drew, Thomas B. Edsall, David Height, Amos Farber, James L. B. Francisco, Oscar Simpson, William Simpson, junior, and such other person and persons as may hereafter be associated with them, and their successors, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Vernon Agricultural Society of the county of Sussex," and by that name shall have power to sue and be liable to

be sued, answer and defend, plead and be impleaded unto, in all courts of law and equity in this state.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said association or company shall be ten thousand dollars, divided into two hundred shares of fifty dollars each share, and which capital stock shall be deemed personal property, and such shares shall be transferable, but only upon the books of the said corporation, in such manner as the said society may prescribe.

Commissioners to receive subscriptions to capital stock

3. *And be it enacted*, That Samuel D. Harrison, Edsall W. Drew, Thomas B. Edsall, Samuel Drew and Amos Farber, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places as they or a majority of them shall think proper, giving notice thereof by publishing the same for at least two weeks in some newspaper published in the county of Sussex, and as soon as ten shares of said capital stock are subscribed, the said shareholders or a majority of them, are hereby authorized to hold their first meeting at such place as said commissioners or a majority of them shall appoint, to elect and choose a president and such other officers as they deem necessary.

Power of the society.

4. *And be it enacted*, That the said society shall from time to time have power and authority to make, ordain and establish such constitution, by-laws and regulations, as they or a majority of the members of said company shall deem proper, and to alter and change the same at pleasure, for the designation of the officers of said society and the election of the same, for prescribing their several functions, and their compensation, to adopt a corporate seal, and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing and conducting the affairs of said society, and the maintaining and preserving good order and conduct over and among the visitors and others on the grounds of the said society; *provided*, that such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

May hold real estate.

5. *And be it enacted*, That the said corporation hereby created shall have power and authority, from time to time, and at all times to acquire, purchase, or lease and use, hold, possess, and enjoy such real estate, not exceeding in all one hundred acres, and such personal estate as they shall deem necessary for the purposes of the said society, and the same

or any part of such real estate or personal property, to sell, mortgage, lease, or otherwise dispose of at pleasure; and also with power and authority to make, build and construct on the real estate so held by them, such buildings, roads, courses and other improvements as they may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act.

Object

6. *And be it enacted* That the objects of the said association shall be to improve and encourage the agricultural, horticultural, and the mechanical, manufacturing and scientific arts and productions, and the improvement of the breed of horses and stock of all kinds, in the county of Sussex and other adjoining counties.

May hold fairs and exhibitions.

7. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of the said association, it shall be lawful for said association to hold upon their grounds, from time to time, and as often as they shall deem proper, fairs and exhibitions, and to give to the exhibitors at such fairs and exhibitions, premiums and other rewards, and to ask, demand, and receive for the said associations' own use, such reasonable fees for admittance of exhibitors and visitors to the said grounds and exhibitions as the said association shall deem proper.

Installments

8. *And be it enacted*, That the subscription to said capital stock shall be paid by the stockholders of said association, at such time and times, and in such manner, and in such installments as the said society, or the proper officers thereof by the terms of the constitution, by-laws, or regulations of said society, shall from time to time direct.

Subject to taxation.

9. *And be it enacted*, That all lands, tenements, and hereditaments, and also the personal property, estate and effects of said association, which shall hereafter be held, owned or leased by the said society shall be subject to taxation for all purposes, as other lands and personal property; *provided, however*, that the capital stock, scrip, and shares of said society, and all the personal estate and property of the said corporation hereby created shall be exempt from, and shall not be liable to have any taxes levied or assessed against or upon the same whatever, so long and no longer than the said society declares and pays no dividend on the capital stock, scrip and shares aforesaid

Proviso.

May appoint persons to act as constables.

10. *And be it enacted*, That for the purpose of preserving and maintaining peace, good order and decorum, upon and about the grounds of said society and among the visitors and

spectators to the same, it shall be lawful for the said society herein incorporated, to appoint from time to time one or more fit, proper and discreet person or persons, who shall take and subscribe an oath before a master in chancery of this state, or the sheriff of the said county of Sussex, or one of the judges of the court of common pleas in and for said county, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of the county of Sussex, and shall be of the like form and effect as now required by law for constables to take and subscribe, and which person or persons so appointed and sworn shall possess the same power and authority on the premises of the said society and on the premises adjacent thereto within one quarter of a mile from the lands and premises of this society, on all sides, which constables now possess in criminal cases; and they shall have power and authority to arrest all persons who shall there be found violating any of the laws of this state, or who shall conduct themselves in a disorderly, riotous or immoral manner, or disturb or wrongfully interfere with, or molest, or disturb in any way the fairs or exhibitions, or rules or regulations of said society; and the said parties so arrested shall be taken, as soon as conveniently may be, before some justice of the peace of said county of Sussex and there be dealt with as law and justice shall require, and according to the law of this state.

12. *And be it enacted*, That this association shall have the power to let, rent or lease unto any agricultural or other society organized for any of the purposes contemplated by this act, all or any of the lands, real estate and personal property, and improvements belonging to said association. May let or lease property.

13. *And be it enacted*, That this act shall take effect immediately, and all laws inconsistent with the provisions of this act are hereby repealed, so far as relates to this corporation.

Approved April 6, 1866.

CHAPTER CCCCLXXX.

An act to defray Incidental Expenses.

Treasurer to pay certain amount.

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

1. Trenton Water Works for the use of water from April first, eighteen hundred and sixty-five, as per agreement,	$140 00
2. Titus and Scudder, for carpets furnished offices of secretary of state, clerk in chancery and clerk of supreme court, making and laying down of the same,	554 15
3. William T. Nicholson, for stationery furnished office of supreme court,	8 00
4. J. A. Howell, for one satchel for president of senate, as per order,	15 00
5. Henry Cook, for furniture in assembly room as per order of the committee,	432 50
6. Anthony Rowley, baskets, brooms and brushes for senate chamber,	82 50
7. D. S. Disbrow and Son, for repairing and doing up furniture in offiees of state house and senate chamber,	206 25
8. Steward, Pittenger & Company, for brushes and pitcher for use of senate,	1 70
9. Brearly, Cogill and Company, for paper, shears, letter balances, &c.,	167 45
10. John Kennard, stationery for officers and members of the house,	3,270 00
11. John Kennard, stationery for pages, assistant clerks and reporters,	88 00
12. John Kennard, for paper, pens, pencils, mucilage, &c., furnished the clerk of assembly,	403 50
13. Joshua Jones, P. M;, for postage stamps furnished senate as per resolution, signed Edward W. Scudder, president of senate,	92 40

14. John Kennard, stationery for members and officers of the house of assembly,	3,350 00
15. Willet Hicks, for brushes, brooms, trays &c., for use of assembly,	46 50
16. Willet Hicks, for tumblers, &c., for use of senate,	6 25
17. John C. Disbrow, for hire of three carriages and drivers, &c., for committee on lunatic asylum,	30 00
18. John Kennard, for stationery furnished engrossing clerk of house of assembly,	57 80
19. James Murphy, for soap and candles for state house,	9 89
20. C. J. Ihrie (librarian), for subscription books, express charges, and other incidental expenses of state library,	513 74
21. Baker and Brother, for brush, brooms, comb, towels, &c., for use of senate chamber,	10 60
22. David Clark, for stationery furnished the senate by John H. Meeker, secretary,	711 96
23. State Gazette, for printing circulars, &c.,	9 50
24. Anthony Rowley, for two rugs in house of assembly,	12 00
25. J. A. Howell, for stationery furnished house of assembly,	594 70
26. J. A. Howell, for stationery furnished senate,	74 20
27. J. A. Howell, for stationery for senate,	115 85
28. Brearly, Cogill and Company, for bill of cutlery for the use of senate,	198 00
29. J. A. Howell, for stationery printed per order,	20 00
30. John Kennard, for stationery furnished for use of members and officers of senate,	1,660 00
31. Charles Scott, for Nixon's Digest and Forms and Cushings' Manual, for the use of the legislature,	840 00
32. Charles B. Cogill, for work done in library,	6 28
33. John Kennard, for stationery for reporters,	36 00
34. Charles Scott, for recording books for the office of the clerk in chancery,	705 00
35. Charles Scott, for stationery and blank books for the supreme court and for the clerk's office,	181 92
36. Charles Scott, for stationery for the court of chancery and for the clerk's office,	298 97

37. John P. Lansing, for services as clerk for incidental committee, making up and examining bills, 10 00

38. Murphy and Bechtel, for stationery furnished the supreme court office, 39 08

39. William L. Dayton, for salary as private secretary of the governor, to March twentieth, eighteen hundred and sixty-six, 258 93

40. Charles Scott, for stationery furnished by the order of George B. Cooper, January tenth, eighteen hundred and sixty-six, 800 55

41. Lemuel C. Reeves, for extra services renderdered the house of assembly, 400 00

42. J. A. Howell, for stationery on the order of George B. Cooper, March twenty-sixth, eighteen hundred and sixty-six, 15 09

43. Charles Scott, for stationery furnished the engrossing clerk of the house of assembly, 229 17

44. Charles Scott, for stationery furnished engrossing clerk of senate, 158 91

45. John F. Bodine, Charles C. Lathrop and Leon Abbett, committee appointed by last legislature on enlargement of assembly chamber, ten dollars each, 30 00

46. Charles Scott, for stationery furnished senate, as per order of James M. Scovel, president, 368 73

47. John Kennard, for stationery [furnished] senators and officers of senate, 643 00

48. For expenses of clergymen who officiated in opening the daily sessions of both houses with prayer, Messrs. Hall, Hanlon, Blackburn, Griffiths, Durrell, Tulley, Cressy, Heisler, Miller, Stokes, Perry, Bishop, Brown, Elwell, Gartner, Galloway, Turpin and Page, fifteen dollars each, 270 00

49. William Early, page to the president of the senate, 150 00

50. George M. D. Hendrickson, page to the speaker of the house of assembly, 150 00

51. Townsend Cox, doorkeeper of the ladies' gallery of the senate, 400 00

52. Charles W. Levins, doorkeeper of the ladies' gallery of the house of assembly, 400 00

53. Edward Moore, first assistant to the sergeant-at-arms of the house of assembly, 50 00

54. William Conover, page of the house of assembly, extra pay, 50 00
55. Augustus Van Mater, page of the house of assembly, extra pay, 50 00
56. James Dunham, for mucilage for senate, 49 00

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

Approved April 6, 1866.

CHAPTER CCCCLXXXI.

An act to incorporate the Englewood Hotel Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Wyman Jones, B. Murray, junior, Nathaniel T. Johnson, J. Smith Homans, junior, and J. L. Truman and their associates, and all other persons who shall become subscribers to and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared a body corporate and politic in fact and in law, by the name of "The Englewood Hotel Company," and by that name shall continue in force for thirty years, and shall have power to have, hold, lease, purchase, sell and convey such real estate in Englewood, township of Hackensack, and county of Bergen, as may be necessary and proper for the erection and operation of a hotel for the accommodation of the public, and a livery stable therewith, and such buildings and improvements as may be adapted to and connected with the same, or necessary and expedient for the management and maintaining the same, and they shall have such powers and authority as shall be necessary to transact all business that may be incident and appertaining to the erecting, furnishing, managing, conducting, leasing or otherwise disposing of such premises, with the buildings and improvements or any of them thereon, and of the other property of said incorporation.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same at any time, by a vote of a majority of the board of directors, to any sum not exceeding

the sum of two hundred and fifty thousand dollars, and said stock shall be deemed personal property, and shall be divided into shares of one hundred dollars each, to be transferable only on the books of the company, and in such manner as shall be prescribed by the by-laws of said incorporation. and each share of stock shall entitle the bona fide holder thereof to one vote, to be given either in person or by proxy at any regular meeting of the stockholders.

Commissioners to receive subscriptions to capital stock

3. *And be it enacted*, That the said J. Wyman Jones, B. Murray, junior, Nathaniel T. Johnson, J. Smith Homans, junior, and J. L. Truman, or a majority of them, are hereby constituted commissioners to open books of subscription to the said capital at such time and place in said Englewood as they shall designate by notice to be published for at least one week in some newspaper printed and circulated in said county of Bergen, and that when twenty-five thousand dollars of the said capital stock shall have been subscribed, the said commissioners or a majority of them shall call a meeting of the subscribers, giving at least ten days's notice of the time and place of such meeting in manner aforesaid; and when so met the said subscribers shall have power to choose from their own number, by ballot and by majority of votes, a board of five directors to continue in office until the second Monday in April then next ensuing, and until others shall be chosen in their stead.

Powers of directors.

4. *And be it enacted*, That three of said directors shall constitute a quorum for the transaction of business, and that the board of directors shall choose from their own number a president, and shall have full power and authority to make, alter and repeal all necessary by-laws, rules and regulations for the transaction of their business, and to prescribe the way in which the subscriptions to the capital stock shall be paid, and to impose penalties, including the forfeiture of stock for the non-payment of any installment, for neglect to make the payment in the way prescribed, and to choose and appoint such officers and agents as may be requisite for the proper management of the affairs of the said corporation, and such offiers and agents at pleasure to remove.

Election of directors.

5. *And be it enacted*, That the annual election of directors of the said incorporation shall be held on the second Monday in April in each year, at such time and place in Englewood aforesaid as the directors shall appoint, by notice given at least ten days previously in some newspaper printed and circulating in said county; and in case of a vacancy or

vacancies occurring by death or otherwise, the remaining directors shall have power to fill the same until the next annual election.

Capital stock not to be withdrawn.

6. *And be it enacted*, That the said capital stock shall not, nor any part of the same be at any time, in any manner, withdrawn from the legitimate business of the said incorporation, or refunded to the stockholders or any of them, until all the debts and liabilities of the said incorporation shall have been paid and discharged.

May issue bonds to a limited amount.

7. *And be it enacted*, That the whole amount of the debts which said corporation shall owe at any one time shall not exceed the amount of capital stock subscribed for and that the said corporation shall not be permitted to issue any bonds, mortgages or other obligations exceeding in amount two-thirds of the actual paid in capital stock of said incorporation or the actual value or consideration of any property owned by said incorporation.

Annual statement to be made.

8. *And be it enacted*, That annually at the meeting of the stockholders to be held as aforesaid on the second Monday of April in each year, the board of directors of said incorporation for the time being shall submit to the stockholders a written statement of the condition of the affairs of said incorporation, including the amount of capital stock paid in, the amount of all debts existing against the corporation specifying to whom such debts are due, the receipts and credits of the corporation, which statement shall be verified by the affidavit of the treasurer, and the same shall be filed in the office of secretary of the state.

Dividends.

9. *And be it enacted*, That no dividend shall be paid to the stockholders except only from and out of the surplus profits arising from the business of said corporation.

Restrictions and liabilities.

10. *And be it enacted*, That 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," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable.

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

Approved April 9, 1866.

CHAPTER CCCCLXXXII.

A supplement to an act entitled "An act to legalize the action of the inhabitants of the township of Upper Freehold, in the county of Monmouth, in the raising of money by taxation for the payment of bounties to volunteers, and to provide for the collection thereof," approved March tenth, eighteen hundred and sixty-five.

Collector may employ constable.

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 collector of the township of Upper Freehold, in the county of Monmouth, to employ any constable of said county of Monmouth to proceed against delinquents on the tax warrant named in the second section of the act to which this is a supplement, for the collection of the uncollected taxes assessed by virtue of said act, which said constable so employed is for the purpose of such collection hereby clothed with all the authority given to said collector, and which constable, within the time prescribed by law, shall pay over to the said collector all moneys by him so collected or received, to be by said collector paid to the township committee of said township or such member thereof as they shall direct according to the requirements of the said second section of said act.

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

Approved April 9, 1866.

CHAPTER CCCCLXXXIII.

Supplement to an act entitled "An act to confirm the acts of the township committee of the township of Oxford in the county of Warren, in paying bounties for volunteers, and to provide for the raising of the money therefor," approved February twenty-second, eighteen hundred and sixty-five.

Preamble.

WHEREAS, the taxable inhabitants of the township of Oxford, in the county of Warren, did at public meetings held for

the purpose of raising money to pay bounties to those who should volunteer in the service of the United States, resolve that in order to raise funds sufficient to pay bounties to volunteers, who should be credited to the township of Oxford, that each single man within the draft, should pay the sum of twenty dollars for each call, and each married man within the draft should pay the sum of fifteen dollars for each call for men, made by the president of the United States, and that in case the said sums of twenty dollars and fifteen dollars, were not previously paid, that the town committee should direct the assessors of said township of Oxford to assess the said sums on each delinquent; and whereas, three calls for volunteers were Preamble. made upon the said township of Oxford by the president of the United States for volunteers, and the sum of twenty dollars for each call was ordered to be assessed on each unmarried man within the draft, and fifteen dollars on each married man within the draft, making the sum to be paid by each unmarried man within the draft the sum of sixty dollars, and on each married man the sum of forty-five dollars; and whereas, certain unmarried men within the draft in said township of Oxford, and certain married men within the draft in said township have neglected and refused to pay the full amount of the sums so ordered to be paid by them respectively; and whereas, the town com- Preamble. mittee of the said township of Oxford, in obedience to the resolutions passed at the meeting of the said taxable inhabitants of the said township as aforesaid, did order and direct Charles Sheeler, the assessor of the said township of Oxford, for the year eighteen hundred and sixty-five, to assess against all persons who had neglected to pay the said sum of sixty dollars and forty-five dollars, according to the terms of said resolutions the amount they had severally neglected and refused to pay; and whereas, the Preamble. said Charles Sheeler, the assessor of the said township of Oxford hath in obedience to the direction of the said township committee assessed in the year eighteen hundred and sixty-five against one George B. Flummerfelt, an unmarried man within the draft a resident of said township the sum of sixty dollars, which the said assessor in his duplicate calls capitation tax, and being the amount which the said George B. Flummerfelt owes on the calls aforesaid; and whereas, the said assessor hath also assessed against sundry other unmarried and married men within

the draft, the sums which were respectively due from them under the resolutions aforesaid; and whereas, the act to which this is a supplement was intended to legalize the resolutions and orders passed by the inhabitants of said township as aforesaid and to authorize the said township committee to make the assessment aforesaid; and whereas, doubts have been expressed, whether the said act to which this is a supplement is sufficient to justify the said assessment, and the said George B. Flummerfelt and others are resisting the payment of the said tax; therefore,

Assessment legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said assessment of tax of sixty dollars made by the said Charles Sheeler, assessor of the said township of Oxford for the year eighteen hundred and sixty-five, against the said George B. Flummerfelt as contained in his duplicate for the year eighteen hundred and sixty-five, and placed under the head of capitation tax in the said duplicate, and all other assessment of taxes made by the said Charles Sheeler, assessor as aforesaid, on unmarried men within the draft, to pay the said sum of twenty dollars assessed upon each call, and the sum of fifteen dollars on each call on married men within the draft, be and the same is hereby declared legal and valid in all respects; and the collector of taxes of the said township of Oxford, is hereby authorized to proceed and collect of the said George B. Flummerfelt, the said sum of sixty dollars so assessed against him as aforesaid in the duplicate of eighteen hundred and sixty-five, and of the said other unmarried and married men the sums respectively assessed against them in the said duplicate in the manner provided by the "Act concerning taxes," and the several supplements thereto, and the several laws provided for the collection of taxes.

Assessment not to be reversed or set aside.

2. *And be it enacted*, That the assessment of taxes of the said township of Oxford made by Charles Sheeler, assessor of the said township of Oxford for the year eighteen hundred and sixty-five, as contained in the duplicate for the year eighteen hundred and sixty-five, is hereby declared to be legal and valid in all respects, and no assessment of taxes contained in said duplicate against any person therein named shall be liable to be set aside or reversed on certiorari or otherwise.

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

Approved April 9, 1866.

CHAPTER CCCCLXXXIV.

An act to incorporate the New Jersey Peat Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Holsman, B. T. Kissam, George W. Coster, John Hopper, O. P. Hurford, James Barclay, and such other persons as may be associated with them and their successors, are hereby created and declared to be a body politic and corporate in law by the name and title of the "New Jersey Peat Company," and by that name shall have all the privileges and franchises belonging or incident to a corporation. Names of corporators.

2. *And be it enacted*, That the whole amount of the capital stock of said company shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars, to be divided into shares of ten dollars each, which shall be personal property and be transferable on the books of the company. Amount of capital stock

3. *And be it enacted*, That the above named corporators or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company at such time and place or places in this state and upon such notice as they shall direct; and at the time of subscribing for said stock such amount on each share shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall determine, and the residue of the subscription shall be paid, satisfied or secured as the directors may determine, in such installments, at such times and places, in such manner, and to such person or persons as said directors shall from time to time direct, giving notice of such time and place and person or persons by a notice published in a newspaper printed and circulating in the county of Hudson, for two weeks, at least once in each week; and upon the failure of any person to pay, satisfy or secure the payment of the installments or any of them as aforesaid, the said directors shall have power to forfeit the shares of each and every person so failing or any of them, to and for the use and benefit of the said company, and any shares of stock so forfeited as aforesaid, may be held by the said company, or any person or persons, for its benefit, and may at any time be sold or disposed of for the benefit of the company as said Commissioners to receive subscriptions to capital stock

directors may direct, or divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed; and any lands, property or materials used in the business of the said company received in payment or satisfaction of subscriptions for stock shall be taken at a valuation approved by a majority of the above named corporators.

Election of directors.

4. *And be it enacted*, That whenever twenty-five thousand dollars of the capital stock aforesaid shall have been subscribed, the commissioners or a majority of them shall, as soon as they may deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place as they may designate, to choose five directors, who shall hold their office for one year and until others are duly elected; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote; and the directors chosen at such a meeting or at the annual elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, who shall hold his office for one year and until his successor is duly appointed; and in case of the death, resignation or other incapacity of the president or any director, such vacancy may be filled by the board of directors for the remainder of the then current year.

Business defined.

5. *And be it enacted*, That the said company shall be and they are hereby authorized and empowered to establish and carry on the business of developing peat lands, digging, boring and excavating mines, shafts and wells, and mining producing and obtaining peat and other products and minerals from the earth, and manufacturing in forms, refining, transporting and vending the same, and for that purpose to purchase, rent, take, hold, occupy and enjoy, grant, demise, lease and convey, in this or any other state or territory, such and so many lands, mines, and deposits, and such parts, shares and interests therein as they may deem proper, in fee simple or any less estate; and to purchase, rent, hire erect, build, hold, maintain and use, grant, demise, lease and convey such buildings, tramways, aqueducts, drains, engines, machinery and other real and personal property as they may deem necessary or proper for developing their property and carrying

on their business; and when by the by-laws of the state or territory where any of the property may be situate, or be, the said company may not be authorized or capable to have, hold, enjoy or convey, rent and lease the same or the legal estate therein, themselves or otherwise, when they may think proper the said company may purchase, hire, rent, have, hold, use, enjoy, grant, lease and convey any trust or other equitable or beneficial estate or interest as cestui que trust or otherwise in any property which may be purchased, hired, leased or held by trustees or other person for the use or benefit of said company; and the same shall make part of the value of, and be represented by the stock of said company; *provided*, that the said company shall not be taxed in this state for or by reason of, or of any interest in any real estate situate in any other state or territory. Proviso.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation; to appoint from their own number or otherwise, a treasurer and secretary, and such other officers of the board and of the company as they may think necessary, and to fix their salaries; to borrow such sums of money as they may from time to time deem advisable for the purposes of said company, and to issue the bonds of said company therefor, and secure the payment of the same by a mortgage or mortgages on the lands, estate, and other property of said company, and to make such by-laws not inconsistent with the provisions of this act, as they may think proper, regulating the issue and transfer of stock, and for the general government and management of the affairs of the company, and that the principal office of the company be in the county of Bergen. Powers of directors.

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

Approved April 9, 1866.

CHAPTER CCCCLXXXV.

An act to incorporate the Bridgeborough Lodge, Number One Hundred and Eleven, of the Independent Order of Odd Fellows of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the* Names of corporators.

State of New Jersey, That Wallace Lippincott, James L. Kemble, R. V. S. Perkins, Charles Gaskill, Theodore Haines, Daniel S. Loudon, Richard Wells, Edward Hunter, William Cox, Thomas Haines, James H. Lewis and Charles Stratton, and their associates, officers and members of Bridgeton Lodge Number One Hundred and Eleven, of the Independent Order of Odd Fellows of the state of New Jersey, and their successors be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "Bridgeborough Lodge Number One Hundred and Eleven, of the Independent Order of Odd Fellows of the State of New Jersey," and by that name they and their successors shall and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same, and also to have a common seal and the same to use at pleasure; *provided, always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of ten thousand dollars.

Proviso.

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

Approved April 9, 1866.

CHAPTER CCCCLXXXVI.

An act to incorporate the Paterson and Little Falls Horse and Steam Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Jackson, Garret Van Wagoner, Jacob Merselis, Robert Hamil and Absalom B. Woodruff, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic in fact and in law, by the name of "The Paterson and Little Falls Horse 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, and such estate therein whether real or personal, shall vest and continue in said corporation during the continuance of this charter.

Amount of capital stock

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with the privilege of incressing the same to three hundred thousand dollars, which shall be divided into shares of one hundred dollars each, transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to receive subscriptions

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 times and places as they or a majority of them shall think proper, giving at least two weeks' notice of the same in a newspaper published in the city of Paterson, and at the time of subscribing ten per centum shall be paid upon each share subscribed for to the said commissioners or some one of them and when twenty thousand dollars shall be subscribed, the commissioners or a majority of them shall call a meeting of the stockholders upon like notice as above, to choose five directors, a majority of whom shall be residents of this state; the election shall be held by such of the stockholders as shall atted for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder to one vote, and the above named corporation 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 the money paid in after deducting their expenses and 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 said 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 the 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

Election of directors.

happen by a majority of said directors; and in the absence of the president a majority of said directors may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide, and if more stock shall be subscribed than the amount of said cupital stock, the commissioners shall distribute such amount among such subscribers as they or a majority of them shall think proper.

Not to be dissolved by failure to elect.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be held at the time when according to this act it should have been held, 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 officers and directors for the time being shall continue in office until others shall be elected in their stead.

Payment of installments

5. *And be it enacted*, That a majority of the directors of said corporation shall constitute a quorum, and be competent to transact all business, and they shall have power to call in the remainder of said capital stock by installments not to exceed twenty per centum on each share, by giving two weeks' previous notice in a newspaper published in the city of Paterson, but no two installments shall be required to be paid within two weeks of each; and in case of the non-payment of such installments, they may forfeit the shares upon which such default shall arise.

Powers of directors.

6. *And be it enacted*, That the said directors shall have power to prescribe such rules and regulations touching the management of the stock, property, estate, effects and business of the said company, and to appoint such officers, agents and employees, and to fix such salaries or compensation for them as they shall deem expedient, and may determine whether the said road shall be operated by horse, or steam power or both.

May construct railway.

7. *And be it enacted*, That said company be and are hereby authorized to enter on, survey, lay out, construct and operate a railway, to commence at some point in or near the city of Paterson, in the county of Passaic, to Little Falls, in the county of Passaic.

Width of railway.

8. *And be it enacted*, That said company be and are hereby empowered to locate and construct said railway and appurtenances, not exceeding one hundred feet in width, unless it be necessary for constructing slopes, embankments, turnouts, way depots, way stations or other way structures, and then

not more than one hundred feet in width, with as many sets of tracks or rails as may be deemed necessary.

Bridges, &c., to be erected.

9. *And be it enacted*, That it shall be lawful for said company, its officers, agents, and employees, to enter at all times on lands and waters for the purpose of exploring, surveying and laying out the route of such railway, and locating the same or altering such location, doing no unnecessary damage to private or other property, and when the route and location of said railway shall have been determined, it shall be lawful for said company, its officers, agents and employees to enter upon, take possession of, hold, use, occupy and excavate such lands and premises, and to erect embankments, bridges, viaducts and all other necessary works and appliances thereon, and to lay rails and do all other things which may be suitable or necessary for the construction, maintenance and operation of said railway, and to carry into full effect the objects of this act, and the said company may take, use and appropriate any stone, gravel, sand, clay, earth or material on or near the route of said railway; *provided*, that payment shall first be made to the owners of, and parties interested in the lands and premises, or materials taken for the purposes of this act upon such terms as are hereinafter provided.

Proviso.

Proceedings when company and owners cannot agree.

10. *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, premises or materials, or with any party lawfully interested therein, for the use or purchase thereof, or if by reason of the legal incapacity or absence of any owner or party interested, no such agreement can be made, a particular description of the lands and premises so required for the use of said company in the construction and operation of said road, shall be given in writing, under the oath or affirmation of the engineer or proper agent of said company, and also the name or names of the occupants if any there be, and of any owner or party interested and their residences, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county where said lands, premises or materials are situated, 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 fifteen days, and to assign a particular place and time for the appointment of commissioners as hereinafter provided, at which time and place, upon satis-

factory 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 said lands, and assess any damages sustained by any owner or person interested by reason of taking the same, upon such notice of not less than fifteen days, to be served personally or by publication as aforesaid, as shall be directed by the judge appointing snch 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 premises, and take into consideration all benefits to be derived from or in consequence of said railway to said owner or person interested, to make a just and equitable appraisement or estimate of the value of said lands so taken, and an assessment of any damages incurred, to be paid by said company; said 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 the county in which such lands and premises are situated, to remain of record therein, which report or in case of an appeal, the verdict of the jury and the judgment of the court thereon, or a copy thereof certified by the clerk of said county, damages and costs 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 and occupy, possess and enjoy said lands and premises; and either of the judges of the court of common pleas of the county in which said land, premises or materials are situated, shall on application of either party, on reasonable notice to the other party or parties, tax and allow such costs, fees and expenses to the judges, commissioners, clerk or other person performing any of the duties prescribed by this section, as he shall deem equitable and just, and direct by whom the same shall be paid.

Proceedings when owner is dissatisfied with report.

11. *And be it enacted*, That in case said company or any owner of or person interested in said lands and premises or materials shall be dissatisfied with the report made by the

commissioners mentioned in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands, premises or materials so required are situated 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 served upon the opposite party within ten days after the filing of said petition, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of said controversy, and to order a jury to be empanneled 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, premises or materials 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 parties, owners or person interested, then judgment thereon with costs shall be entered against said company and execution awarded thereon, and if said appeal shall be applied for by the said owners or parties interested, and if the jury shall find the same sum that the commissioners awarded or the company offered, or a less sum than either, then the said costs shall be paid by the said applicants and be deducted out of the said sum found by the said jury, or execution may be issued therefor as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of commissioners, then the sum assessed by the jury and such costs as the court shall direct shall be paid by the company to the owners of or parties interested in the land, premises or material in controversy if they so require, or into the court of common pleas to the clerk thereof in the county in which [such] lands are situated, if any party refuse to accept the same, and any party entitled to receive the amount awarded by the commissioners may apply for and receive the same without being thereby debarred from the appeal hereby provided.

Consent in writing to be obtained.

12. *And be it enacted*, That said company shall obtain from every owner of or parties interested in any land or premises not in controversy, consent in writing, and from every owner of a party interested in any land or premises in controversy, or where legal incapacity or absence of any unknown owner

or party interested exist, authority to enter upon or acquire such lands or premises in the mode hereinbefore pointed out before said company, its officers or employees shall enter upon or break ground on any lands and premises, except to survey and lay out said railway, and where by reason of there being such legal incapacity or absence of such unknown owner or party interested, the compensation awarded in such instances by the commissioners cannot be paid to such owner or party interested, the same shall be paid into the court of common pleas to the clerk thereof of the county in which said land and premises or materials are situated, subject to the order of the court, to be invested as the court shall direct during such disability, absence or unknown ownership or interest, and to be paid out to the party or parties interested upon any proper application therefor.

May hold real estate.

13. *And be it enacted*, That in accordance with the foregoing provisions said company may also acquire, have, hold, possess and occupy such real estate and interest therein at or near the commencement or termination of said railway, and at such other important points along the line of the same as may be necessary for the construction, maintenance and operation of said railway, or for the convenient transaction of business, not exceeding two acres in each, and may erect depots, warehouses and such other structures, and make such improvements thereon as they may deem expedient for the safety of property belonging to themselves or consigned to their charge, or in their custody, and for the necessary uses appertaining to the business and operation of said railway.

May be constructed along public highway.

14. *And be it enacted*, That said railway may be constructed along any public road or highway within its route, upon obtaining the consent in writing of the township committee, in which said route may extend, or a majority of them, and along any street in the city of Paterson on obtaining the consent of the mayor and aldermen of said city or a majority of them, and whenever said railway is located on or across any street or highway, the said company shall as soon as may be, restore such street or highway to such state or condition as not to impair its usefulness, and such railway and the rails thereof shall be constructed and maintained in such manner and the rails there of of such size and pattern as to impair as little as practicable ordinary travel on such streets or highway; and where the said railway intersects any farm or other lands, said company shall provide and keep in repair suitable and convenient passages and wagon ways over or under the same,

and should the railway intersect any other railroad, or any other railroad intersect this railroad, the company so intersecting shall cause such crossing to be made so as to do the least injury possible to each and keep the same in repair.

Maps of location to be filed.

15. *And be it enacted*, That whenever said railway shall be finally located, said company shall cause a topographical map and profile of the same to be made, on a scale of not less than ten inches to the mile, showing what lands are taken, which map and profile shall be accompanied with a written abstract of the alignment of the centre line of said railway; said map shall be certified to under oath by the engineer of said company, and be filed within one year from the completion of the location of said road, and one such map comprising the whole of said railway, shall within a like period be filed in the clerk's office of Passaic county.

Transportation of passengers and frieght.

16. *And be it enacted*, That the said company shall have power to construct or have constructed, or to purchase with the funds of said company and place and use on said railway or any part thereof, cars, engines, wagons, carriages or vehicles for their own use, or for the transportation of passengers or any species of property for hire to be operated by such motive power as they may deem expedient and proper.

Rates of transportation.

17. *And be it enacted*, That said company be and are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property over their said railway as they from time to time shall think reasonable and expedient; *provided*, they shall not charge more than five cents per mile, and fifteen cents per ton per mile, for transportation in the carriages of the company of heavy merchandise and produce usually weighed by the ton, and for dry goods, packages, light articles, coin or bullion and express freight at such reasonable rates as the company shall deem proper.

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May make constracts.

18. *And be it enacted*, That it shall be lawful for the said persons named in the first section of this act, their associates, successors or assigns constituting said corporation at any time during a continuance of its charter, to make contracts and engagements with any other corporation or corporations or with individuals for the transportation or conveying passengers and freight and to enforce the fulfilment of such contracts; and also to demand and receive for the transportation of all passengers and freight

by them carried or transported over the road of any other company the same rates of fare and tolls as they may be entitled to demand and receive by virtue of this act for transportation and passage over their own road.

May borrow money.

19. *And be it enacted*, That the said corporation be and are hereby authorized at any time during the continuance of its charter to borrow such sum or sums of money, from time to time, and for such time as shall be necessary to build, maintain, repair or operate said railway, or to furnish the said company with all the necessary rails, buildings, cars, vehicles, engines and animals, equipments, appendages and appliances for the uses and objects of said corporation, and to secure the payment thereof, by bond, mortgage, pledge, trust or conditional sale on or of said road, its lands, franchises, apparatus and apparel, property and appurtenances, evidence of debts, securities and choses in action, but no such bond, mortgage, pledge, trust or conditional sale shall be made at any rate of interest exceeding seven per centum per annum, nor shall the same be made or disposed of at any rate less than ninety per centum per annum of par value without the consent, by a two-third vote of the stockholders of said company; and any negotiation or transaction thereof, at any rate of interest, discount or deduction duly authorzed and certified by such two-third vote, shall not be invalidated by the reason of the rate of interest, discount or deduction thus authorized, nor shall any person or corporation incur any penalty therefor.

Dividends.

20. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of said railway.

Statement of cost and expenses to be filed

21. *And be it enacted*, That as soon as the said railroad shall be 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 statement to the legislature of the proceeds and expenses of said railway, and from and after the said railroad or any part thereof shall be in operation, and shall pay a dividend of as much as six per centum, the said corporation shall pay to the treasurer of this state annually on the first Monday in January of each year, such state tax as may be assessed from time to time by a general law, applicable to all railroads over which the legislature

shall have power for that purpose at the time of the passage of such law or laws.

Penalty for injury to works.

22. *And be it enacted*, That if any person shall wilfully or maliciously injure such railway or any buildings, works, engines, machinery, animals or other property of the said corporation, such person or persons shall forfeit and pay therefor to the corporation three times the amount of damage sustained by such injury to be recovered in the name of the corporation, with costs of suit, in any court having cognizance of thesame.

Act how made void.

23. *And be it enacted*, That from and after the fourth day of July, eighteen hundred and seventy-five, this act shall become void as to so much of said railway as shall not be then completed and in use, and in case the said company after the road is completed, shall abandon the same or any part thereof or cease to keep it or such part thereof in repair for the period of one year, then and in that case the franchise granted to said company shall be annulled, and the title to the lands and premises over which said railway is located, shall revert to the person or persons who would have been legally entitled thereto if this said railway had not been located; *provided, however*, that if such abandonment or failure to use or repair shall be caused by the acts of the state or general government of the United States, or by public enemies during war, invasion, riot or insurrection, such forfeiture shall not inure for the period of such interruption [and] one year thereafter, and in case of forfeiture the superstructure of said railway, its equipments, appliances and appendages, shall be deemed and taken to be personal property of said company or their assigns, and shall be by them removed and disposed of within six months after such forfeiture, or in default thereof the same shall be forfeited and ass to the public authorities of the township or ward in which said railway is situated.

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Proceedings in case the state elect to take road.

24. *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 railway and appendages 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 person, 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 name said 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 appraisement, which shall be binding upon said company; and in case the said six commissioners, appointed as aforesaid, cannot agree upon the seventh person, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, 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 railway upon payment to the company or their assigns, 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 or their assigns of the amount so reported; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof.

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

Approved April 9, 1866.

CHAPTER CCCCLXXXVII.

A further supplement to an act entitled "An Act Concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Poll tax.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That a poll tax not exceeding one dollar shall be assessed upon every white male inhabitant of this state, of the age of twenty-one years and upwards, except the polls of all volunteers and sailors, who have served for the period of one year or more, also those wounded and discharged in consequence thereof, in the armies or navies of the United States, who have been honorably discharged, and of all paupers, idiots, and insane persons; *provided*, that nothing in this shall in anywise interfere with the poll tax

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required to be raised by any special law in payment of bounties.

Rate of taxation on real estate, &c.

2. *And be it enacted*, That all real and personal estate within this state, whether owned by individuals or by corporations, shall be liable to taxation at the full and actual value thereof, on the day in each year when by law the assessment is to commence, at such rate per dollar as will be sufficient to produce the sum required to be raised, together with an addition thereto not exceeding ten per centum of such sum to meet contingencies, after deducting the poll tax and the tax derived from foreign insurance companies.

Definition of term real estate.

3. *And be it enacted*, That the term real estate, as used in this act, shall be construed to include all lands, all water power thereon or appurtenant thereto, and all buildings or erections thereon or affixed to the same, trees and underwood growing thereon, and all mines, quarries, peat and marl beds, and all fisheries.

Of personal estate.

4. *And be it enacted*, That the term personal estate, as used in this act, shall be construed to include goods and chattels of every description, including steamboats and other vessels, money, debts due or owing from solvent debtors, whether on contract, note, bond, mortgage or book account, public stocks and stocks in corporations, whether said personal estate be within or without this state.

5. *And be it enacted*, That the following persons and property shall be exempt from taxation, viz:

Property exempt from taxation.

I. The property and the bonds and other securities of the United States, and the bonds and securities of this state, which are by law exempt from taxation, the property of the counties, townships, cities and boroughs of this state, and stocks and other personal estate owned by citizens of this state, situate and being out of this state, upon which taxes shall have been actually assessed and paid within twelve months next before the day prescribed by law for commencing the assessment.

Colleges, &c., exempt.

II. All colleges, academies or seminaries of learning, public libraries, school houses, buildings erected and used for religious worship, and the land whereon the same are situate, necessary to the fair use and enjoyment thereof, not exceeding five acres for each one, the furniture thereof and the personal property used therein, the endowment or fund of any religious society, college, academy, seminary of learning or public library; *provided*, that no building so used which may be rented for such purposes and rent received by

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owner therefor shall be exempted; the stock of any corporation of this state, which by a charter or other contract with this state is expressly exempted from taxation, the stock of any corporation of this state, the capital whereof is by this act made taxable to and against said corporation, pews in churches, grave yards not exceeding ten acres of ground, cemeteries and all buildings erected thereon, and all buildings used exclusively for charitable purposes, with the land whereon the same are erected, and which may be necessary for the fair enjoyment thereof, and the furniture and personal property used therein, the funds of all charitable institutions and associations collected and held exclusively for the sick or disabled members thereof, or for the widows of deceased members, or for the education, support and maintenance of the children of deceased members.

Tax where to be assessed.

6. *And be it enacted*, That the poll tax and the tax on personal property shall be assessed upon each inhabitant liable to a personal tax in the township or ward where he resides, on the day prescribed by law for commencing the assessment in each year; all lands shall be assessed in the township or ward in which they are situate, and every person shall be assessed in the township or ward where he resides for all lands then owned or possessed by him within said township or ward, either occupied or unoccupied; and when the line between two townships or wards divides a farm or a lot owned or possessed by the person taxed, the same shall be taxed, if occupied in the township or ward in which the occupant resides; and if unoccupied each part shall he assessed to the owner thereof in the township or ward in which the same may be, and this whether such division line be a township ward or county line.

Personal estate where taxed.

7. *And be it enacted*, That every person shall be assessed in the township or ward where he resides, for all personal estate in his possession or under his control, as trustee, guardian, executor or administrator; and in case the owner or owners of personal estate shall be non-resident of this state, then and in that case the said personal estate shall be taxed in the township or ward where the same may be situate; that the personal estate of every incorporated company liable to taxation, shall be assessed in the township or ward where the principal office shall be, or if such company have no principal office or place of transacting its financial concerns, then in the township or ward where the operations of such company are carried on; and where the tolls of any

bridge, turnpike, railroad or canal company are collected in the several townships or wards, the personal estate of such company shall be assessed in the township or ward in which the treasurer, or other officer authorized to discharge the general pecuniary obligations of said company, resides; and the real estate of incorporated companies, liable to taxation, shall be assessed in the township or ward in which the same shall lie, in the same manner as the real estate of individuals.

Duties of assessor.

8. *And be it enacted*, That the assessor of every township or ward shall, between the days prescribed by law, annually ascertain by diligent inquiry, and by the oath or affirmation of the persons to be assessed, and, if necessary, of other persons, according to the best of his ability, and according to his own judgment after examination and inquiry, the names of all the persons taxable in their respective townships or wards, and the actual value of all the property, real and personal, taxable therein; and in case any inhabitant of the township or ward shall refuse to swear or affirm and answer in regard to all the particulars of his property when required by such assessor, or in case such inhabitant cannot be found by the assessor after a diligent effort, it shall be the duty of said assessor to estimate his property at the highest value he has reason to suppose it may be placed; and in case the person assessed shall appeal to the commissioners of appeal, they shall not reduce the said estimate if it shall appear that the person appealing had refused to be sworn or affirmed, and to answer all proper questions respecting the particulars of his estate and of his debts, or had absented himself for the purpose of evading the assessor; nor unless he shall satisfactorily prove by his own oath or affirmation, or otherwise, what was the true value of all his taxable property; *provided*, that nothing herein contained shall be construed to prevent the said commissioners of appeal from increasing the valuation made by the assessor, if it shall satisfactorily appear the same ought to be increased.

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Secretary of state to prepare schedule

9. *And be it enacted*, That it shall be the duty of the secretary of state, before the time prescribed by law for commencing the assessments, in each year, to prepare a schedule of the leading classes of taxable property, both real and personal, and the deductions allowed by law, to be printed, with blank form of affidavit attached, and distributed to the several counties for the use of assessors in making their assessments.

Manner of making duplicate.

10. *And be it enacted*, That the assessor shall so make out his duplicate as to show in separate and distinct columns the names of all persons assessed, the number of acres and lots of land and appurtenances assessed to each person, the value of such land, the value of the personal estate assessed to each one, including the amount of mortgages held and the amount of debts due and owing to each person from solvent debtors in addition to debts secured by mortgage, the amount deducted from the said value for debts due and owing, the net value assessed to each person, the rate per dollar assessed, and the several sums assessed on each person for state, county, city, township, poor, school, road, poll, dog and other taxes; and the said assessor shall also add to his duplicate, by way of appendix or otherwise, in all cases where real estate is taxed to any person from whom he has reason to suppose it may be difficult to collect the tax by warrant against his goods, chattels and person, a designation of the said real estate by such short description as will be sufficient to ascertain the location and extent thereof, to the end that said tax may be collected in the manner prescribed by the act entitled "An act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March seventeenth, eighteen hundred and fifty-four.

Persons assessed as trustees, &c.

11. *And be it enacted*, That where a person is assessed as trustee, guardian, executor or administrator, he shall be assessed as such, with the addition to his name of his representative character, and such assessment shall be carried out on a separate line from his individual assessment; and in cases where the same property is held by several trustees, guardians or executors, only one of them shall be taxed for the same; and such property shall be assessed in the hands of such one of said executors, or guardians or trustees as have the actual possession or control of such property, or the bonds, mortgages or other securities by which the same is held.

Assessors to meet annually.

12. *And be it enacted*, That when any money shall be directed to be assessed for state or county purposes, it shall be the duty of the assessors of the several townships and wards in the county to meet at the time prescribed by law in every year at the place of holding the court of common pleas in such county, and each of the said assessors shall produce his duplicate of the value of real and personal estate to be by him assessed, with the amount of each column and the total

of all the columns correctly added together, and shall also produce an affidavit by him subscribed, and taken upon his oath or affirmation before some person authorized to administer oaths, of the following or like tenor and effect, viz: "I, assessor of , do hereby swear (or solemnly affirm), that I have diligently inquired respecting the nature and value of the real and personal estate liable to taxation in the township (or ward) whereof I am assessor, and have to the best of my ability, and without favor or partiality, valued all the said property liable to taxation in said township (or ward) at its full and fair value, at such price as in my judgment said property would sell for at a fair and bona fide sale by private contract on the day prescribed by law for commencing the assessment and have deducted from such value only such balance of debts as is prescribed by law;" and if any assessor shall be unable to attend such meeting, it shall be his duty to send his duplicate with the affidavit aforesaid, and in case any assessor neglecting to attend, or to produce or send his duplicate and affidavit aforesaid, the majority of assessors convened shall estimate the value of the property liable to assessment in the township or ward of the absent assessor, according to the best of their information and belief. Form of oath.

13. *And be it enacted*, That the board of assessors, when met as aforesaid, shall compute and ascertain the whole value of real and personal estate, after deduction of debts, to be taxed according to the value thereof contained in the duplicates of the several assessors or estimated as aforesaid, and shall fix and adjust the proportion or quota of tax to be levied and collected in each township or ward in proportion to said value; *provided*, that if it shall appear to the assessors so met as aforesaid, that the value of the property contained in any duplicate is relatively less than the value of other property in the county, they may, for the purpose of fixing and adjusting the said proportion or quota, and for that purpose only, add thereto such per centage as shall appear to them just and proper, but not otherwise; and it shall be the duty of such assessors, at such meeting, to make out two abstracts of the net value of taxable real and personal property, designating the amount of real estate and personal property in each township and ward, which shall be signed by every assessor present, and shall within three days be delivered to the county collector, who shall forthwith file one of them and transmit the other to the comptroller of the Duties of assessors. Proviso.

state for the use of the legislature, and each of the said assessors shall, within fifteen days after said meeting, deliver to the collector, whose duty it is to collect the taxes by him assessed, a true transcript or duplicate of the assessment of taxes for the said township (or ward) completed as herein is directed, and by him certified under his hand to be a true duplicate of the taxes assessed; *and provided, also*, that if a majority of the assessors of the county shall fail to meet on the day prescribed by law, those met shall adjourn from day to day, at the same place, until a majority shall attend.

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14. *And be it enacted*, That if any assessor shall wilfully or through gross negligence omit to make a full and fair valuation of all the real and personal estate taxable in his township or ward, as required by this act, within the time prescribed by law, or to make the affidavit prescribed by the twelfth section of this act, or to deliver to the collector a just and true duplicate as herein required, he shall be deemed guilty of a misdemeanor, and liable to a fine not exceeding five hundred dollars for each offence; and if any assessor shall neglect to attend at the time and place prescribed by law for the meeting of the assessors of any county, or shall neglect to produce or send his duplicate and affidavit as required by this act, then it shall be the duty of the said assessors to inquire and ascertain whether the said assessor was unavoidably prevented from attending and producing, or from sending his said duplicate and affidavit, and unless a majority of those met shall, by a writing by them signed, excuse the said neglect, the assessor so neglecting shall be guilty of a misdemeanor and liable to a fine not exceeding two hundred dollars for each offence; and it shall be the duty of the board of assessors to state in writing to the prosecutor of the pleas of the state the name of every assessor guilty of either of the aforesaid neglects, with the names of the witnesses to prove the same, to be by him presented to the grand jury of the county.

Penalty for wilful neglect.

15. *And be it enacted*, That all private corporations of this state, except banking institutions, and except those which by virtue of any contract in their charters or other contracts with this state are expressly exempted from taxation, and except mutual life insurance companies specially taxed, shall be and are hereby required to be respectively assessed and taxed at the full amount of their capital stock paid in, and accumulated surplus; but any real estate which such corporations may lawfully own in any other state than this

Private corporations to be taxed.

state, shall not be liable to be estimated in such accumulated surplus, and the persons holding the capital stock of such corporations shall not be assessed therefor; and such corporations as have no capital stock other than those above excepted, shall be assessed for the full amount of their property and valuable assets, without any deduction for debts and liabilities; but depositors in savings banks, taxed by virtue of this section, shall be exempted from taxation on their personal estate to the amount of their deposits; *provided*, that premium notes held by life insurance companies shall in no case be considered as future premiums, but shall be included in the valuable assets of said company.

Bank stock to be taxed.

16. *And be it enacted*, That the stock of every bank established under and by virtue of the acts of the congress of the United States, including state banks, shall be assessed in the township or ward wherein said bank is located, to all stockholders thereof, and it shall be the duty of each of the said banks to retain and pay the amount of tax assessed to each of the said stockholders thereof, out of the dividends from time to time declared, and said tax shall be a lien on each stockholder's shares of the stock from the day designated by law for commencing the assessment, and the same shall be liable to be levied on and sold by virtue of a tax warrant duly issued against the person taxed, as now directed in other cases.

Duties of officers of corporation.

17. *And be it enacted*, That it shall be the duty of the president, secretary, cashier and treasurer of every corporation and bank, the stock or property of which is liable to taxation, when applied to by the assessor entitled to assess the same, to give to the said assessor a true statement, under oath or affirmation, of the name of the several stockholders who owned the stock of a bank on the day prescribed by law for commencing the assessment, and of the amount of capital stock and accumulated surplus, and of all other property and assets of such bank and corporation, and the said assessor is hereby authorized to administer such oath or affirmation, and to take such other means as may be in his power to ascertain the true amount for which the stockholders or the corporation shall be taxed.

Form of oath to be administer'd by assessors.

18. *And be it enacted*, That the assessors and commissioners of appeal, who shall examine any person respecting the taxable property of such persons, or of others, shall administer an oath or affirmation of the following or like tenor and effect, viz; "I, , do swear (or solemnly af-

firm) that I will true answer make to all such questions as shall be put to me touching the taxable property of myself (or of A. B.), and therein I will speak the truth, the whole truth, and nothing but the truth;" and if any person who shall be required to swear or affirm, or testify respecting his or her taxable property, or the property of any person or corporation, shall, when requested by any assessor or commissioner of appeal, refuse to be sworn or affirmed and examined, he or she shall be deemed guilty of a misdemeanor, and liable to a fine not exceeding two hundred dollars; and it shall be the duty of the assessor to furnish to the prosecutor of the pleas of the county the name of any person refusing to be sworn or affirmed, and the names of the witnesses, that the same may be laid before the grand jury of the county; and any assessor who shall refuse to take evidence when offered respecting the amount or ownership of taxable property of any person or corporation, shall be deemed guilty of misdemeanor, and liable to a fine not exceeding two hundred dollars, but the oath or affirmation of no person shall be conclusive as to the amount or ownership of taxable property, but the assessors and commissioners of appeal shall adjudge the same as may appear to them correct.

Foreign corporations to be taxed

19. *And be it enacted*, That all corporations regularly doing business in this state, and not being corporations of this state, shall be assessed and taxed for and in respect of the business so done by them and transacted in this state, and every agent of any fire, life, health or marine insurance company not incorporate by the laws of this state and doing business in this state, shall file with the secretary of this state, on or before the first day of February in each year, the certificate now required by law respecting the business and condition of the company of which he is such agent, and shall pay at the time of such filing, to such secretary of state, the sum of five dollars fees therefor; and shall also be required, within ten days thereafter to take from such secretary of state a license to act as such agent, and transact the business of said company during the ensuing year, and shall pay for such license the sum of twenty dollars; and such license fees so paid shall be in lieu of all other taxes to be assessed in this state on such agents for the business of said companies; *provided, however*, that the last foregoing provisions shall apply only to the agents of companies of those states whose laws do not impose a greater

tax or assessment than the foregoing upon the agents of companies of this state, and doing business in those states, that the agents of companies of those states imposing larger taxes or assessments than the foregoing upon the agents of companies of this state shall pay, in the manner and at the time now provided by law, a tax of two per centum per annum on the whole amount of premiums taken or received by such agent during the year preceding the payment of said tax; and all other corporations not incorporated by this state, and agents doing business in this state as aforesaid, shall be assessed for the amount of capital usually employed in this state in the doing of such business not otherwise taxed by virtue hereof; and such assessment shall be made in the township or ward where such business is most usually carried on and transacted.

Deduction to be made for debt.

20. *And be it enacted*, That after making the valuation of the real and personal estate for which any individual shall be assessed, it shall be lawful for the assessor or for the commissioners of appeal in cases of taxation to deduct from such valuation any debt or debts bona fide due and owing from such individual to creditors residing within this state: *provided*, that no deduction shall be made from the full and fair value of the real or personal estate of any individual unless such individual shall make and sign a true statement in writing, under oath or affirmation, that the same is just and true, of the several debts owing by such individual, which he desires to have deducted, to whom owing and where the creditor resides, and also a statement of the total amount of real estate and of personal property of such individual, including mortgages held and other debts due and owing to such individual from solvent debtors, and shall deliver the same to the said assessor on or before the time limited by law for closing the assessment; *provided*, that if it shall be made to appear to the satisfaction of the commissioners of appeal that the individual assessed was prevented by sickness or other unavoidable accident from delivering such statement to the assessor as aforesaid, the said commissioners may permit the said individual or any person in his behalf, having knowledge of the facts, to deliver such statement to them sworn or affirmed to be just and true as aforesaid, and may therefore deduct the balance of such debts in like manner as the assessor might have done in case the said statement had been duly delivered to him; and in case any assessor or commissioner of appeal shall make any

Proviso.

Proviso.

such deduction without having first delivered to him as aforesaid such statement under oath or affirmation, the said assessor and commissioner of appeal shall be deemed guilty of a misdemeanor, and liable to a fine not exceeding two hundred dollars; and all written statements and oaths and affirmations authorized and required by this act, shall be forthwith delivered to the clerk of the township wherein the assessor or person making the same resides, to be by him filed and preserved.

Duty of collectors.

21. *And be it enacted*, That the collector, immediately after having received his duplicate from the assessor, shall submit the same to the committee of the township or common council of the city or borough whereof he is the collector, and it shall be the duty of said committee and common council carefully to examine the same, and if they have reason to believe that any individual or corporation has been assessed at too low a rate, or omitted to have been assessed as required by law, they shall thereupon authorize and require the collector to notify the said individual or corporation that complaint will be made to the commissioners of appeal in cases of taxation, and the said collector shall, at least ten days before the time of meeting of said commissioners, deliver to said individual or leave at his dwelling house or deliver to the president, cashier, treasurer, clerk or secretary, or if no such officer can be found, to any director of the corporations, or leave at the place of business of such corporation, a notice in writing or printing of the following or like tenor, viz: "To : You are hereby

Form of notice

notified that complaint will be made to the commissioners of appeal in cases of taxation at , on next, that you have been assessed at too low a rate (or omitted to be assessed), to the end that, after due examination of the facts such addition may be made to your taxes as shall be right and proper and according to law;" and it shall be the duty of the collector to attend before said commissioners and to present the complaints, and to subpœna all proper and necessary witnesses and pay them their fees, and he shall receive out of the public money two dollars for every day he shall so attend.

Commissioners of appeal

22. *And be it enacted*, That each of the commissioners of appeal in cases of taxation shall have power and it shall be his duty to issue subpœnas for the attendance of witnesses before the said commissioners, on the hearing of an appeal which shall be served, and the said commissioner, the wit-

nesses and constable shall have the same fees and be liable to the same penalties as in cases of subpœnas for witnesses to appear on the trial of actions before courts for the trial of small causes.

Assessments on banks and private corporations

23. *And be it enacted*, That the real estate of private corporations and banks situate within this state, except the banking house and lot of ground whereon the same is erected, of banking institutions whose stockholders are taxed shall be assessed to said corporations or bank in the township or ward in which said real estate is located in the same manner as the real estate of individuals, and the amount of said assessment shall be deducted from the amount of the capital stock and surplus and funded debt, or of the valuable assets of the corporation.

Dog tax not affected.

24. *And be it enacted*, That nothing in this act shall have the effect to alter or repeal any tax imposed upon dogs.

Moneys to be paid over to county Collector.

25. *And be it enacted*, That it shall be the duty of the collectors of the townships, cities or wards in this state, out of the first moneys which shall be collected by them, to pay to the county collector of the county in which they hold their offices, the state and county taxes required to be assessed in their several townships, cities and wards, at the time required by law to pay the same.

Penalty for embezzlement or unlawfull loaning money.

26. *And be it enacted*, That if any county, township, city or ward collector, or any receiver of taxes or collector of arrearages of taxes, shall embezzle, unlawfully loan or retain in his hands any money received or collected by him for the state, or any county, city, borough, township, ward or school, or road district, he shall be deemed guilty of a misdemeanor and liable to be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both.

Delinquent to pay interest on tax.

27. *And be it enacted*, That if any person or corporation shall refuse or neglect to pay the tax due from such person or corporation by the time appointed by law for the payment of the same, such delinquent shall pay interest on said tax at the rate of twelve per centum per annum upon the amount of each tax from the time of such delinquency, until such tax be paid, which interest shall be added to the amount of each tax by the officer whose duty it shall be to collect such tax, and shall be collected by such officer, and accounted for and paid over by him in the same manner that the taxes of delinquents are by law required to be collected and paid over.

Notice to be printed or in writing.

28. *And be it enacted*, That the notice first required by the eleventh section of the act to which this is a further supplement, shall be in writing or printed, and shall set forth the number of acres assessed, the value of the real estate, and of the personal estate assessed to each one, and of the rate per dollar assessed and the several sums assessed on each person or corporation for state, county, township, poor, school, road, poll, dog and other taxes, as the same are stated on the duplicate, and the time and place of the meeting of the commissioners of appeal; and if any collector shall neglect to deliver said notice as required by the said eleventh section of the aforesaid act, he shall forfeit to each person or corporation assessed, and residing in his township or ward, whose notice he shall neglect to deliver, the sum of fifty dollars, to be recovered by action of debt in any court of record of this state.

Warrants for delinquent taxes to be delivered to township collectors.

29. *And be it enacted*, That the warrants hereafter issued for the collection of delinquent taxes in the townships, boroughs, towns, cities, districts or wards of this state, by virtue of the act to which this is a further supplement, shall be directed and delivered to the collector of the township, borough, town, city, district or ward, and the said collector shall, in the execution of said warrant, have the same powers and perform the same duties, be subject to the same forfeitures and receive the same compensation, as is prescribed to the constables by the provisions of the aforementioned act; *provided*, that this section shall not apply to any city, borough, township, town or district having special provision inconsistent herewith.

Proviso.

Compensation.

30. *And be it enacted*, That the several assessors and collectors of the townships and wards of this state shall be entitled to receive twelve cents, and no more, for each name on their respective duplicates for assessing, levying and collecting all the taxes by them assessed and collected; *provided*, that no name occurring on the duplicate more than once be counted more than as one man; *provided, however*, that wherever the assessors or collectors of any city, town or townships do now receive any fixed salary under any special law of this state, this act shall not entitle any such assessors or collectors to any additional fees.

Proviso.

Proviso.

Penalty for false swearing.

31. *And be it enacted*, That any person guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation required or authorized by this act shall be deemed to be guilty of perjury, and punished accordingly.

32. *And be it enacted*, That the forty-fifth section of the act to which this is a supplement and the several supplements to the act to which this is a further supplement, approved March twenty-sixth, eighteen hundred and fifty-two, entitled "An act to provide for the collection of taxes due from banks and banking associations of this State," and the supplements approved March third, eighteen hundred and fifty-four, March fifteenth, eighteen hundred and sixty-one, March eleventh, eighteen hundred and sixty-two, March twenty-eighth, eighteen sixty-two, March twenty-fifth, eighteen hundred and sixty-three, April fourteenth, eighteen hundred and sixty-four, and a second supplement, eighteen hundred and sixty-four, and April fifth, eighteen hundred and sixty-five, and all other acts, or parts of acts, whether special or local or otherwise, inconsistent with the provisions of this act, be and the same are hereby repealed, except an act entitled "A further supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six, which supplement was approved March twenty-fourth, eighteen hundred and sixty-four, and such special or local acts as shall have been approved since the year eighteen hundred and sixty-two; *provided*, that the supplement to the charter of Jersey City, approved March twenty-ninth, eighteen hundred and sixty-six, and the acts and parts of acts thereby re-instated shall not be affected by this act. Parts of former acts repealed. Proviso.

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

Approved April 11, 1866.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution ratifying the amendment of the Constitution of the United States.

RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the amendment to the Constitution of the United States, proposed at the second session of the thirty eighth Congress by a resolution of the Senate and House of Representatives of the United States of America, in congress assembled, to the several state legislatures be, and the same is hereby ratified upon the part of this legislature, and made a part of the constitution of the United States of America; said amendment having been approved on the first day of February, A. D., eighteen hundred and sixty-five, and is in the following words, to wit: Ratification of the constitutional amendment.

ARTICLE XIII.

Section I. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section II. Congress shall have power to enforce this article by appropriate legislation.

Approved January 23, 1866.

NUMBER II.

Joint Resolution relative to the salary of the late Hon. George H. Brown.

Treasurer to pay salary to the estate of George H. Brown deceased.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized and directed to pay to the legal representative of George H. Brown, deceased, late associate justice of the supreme court of this state, the salary to which he would have been entitled as such associate justice on the first day of February, in the year eighteen hundred and sixty-six.

Approved February 15, 1866.

NUMBER III.

Joint resolutions relative to Bounty to New Jersey Soldiers mustered into the service of the United States, for the suppression of the Rebellion.

Preamble.

WHEREAS, a large number of the people of New Jersey, impelled by a spirit of patriotism and devotion to the Union, did, during the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, enter the military and naval service of the United States, for the suppression of the rebellion, voluntarily and without receiving any bounty; and whereas, it is but a just recognition of their services, thus freely rendered, that they should be equally rewarded in the bestowment of bounties with those who later in the war bore with them its burdens; therefore,

Passage of a law requested.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That senators and representatives of this state, in the congress of the United States, be requested to favor the passage of such law for the equalization of bounty to volunteers, as may not be incompatible with the general interests of the United States; and,

2. *Be it resolved*, That the governor be requested to for-

ward copies of this preamble and resolutions to the senators and representatives from this state in congress.

Approved February 21, 1866.

NUMBER IV.

Joint resolutions in reference to the Soldiers and Sailors of New Jersey.

Preamble. WHEREAS, the rebellion inaugurated by misguided men for the overthrow of constitutional government, and the erection upon its ruins of a despotism embodying a denial of the essential rights of human nature, and constituting a perpetual menace to the liberties and peace of the American people, has been suppressed, and whereas in the conflict waged to this end the soldiers of New Jersey displayed conspicuous devotion to the nation's cause, achieving by their heroism, efficiency, and patient endurance of suffering, hardship and privation, a front rank among the defenders of the Republic; therefore,

Thanks tendered to the soldiers and sailors. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the thanks of these bodies are hereby tendered to the soldiers and sailors of this state participants in the late struggles for their distinguished services in contributing to the restoration of the national authority, and vindicating the principles of free government in the critical test to which they were exposed.

Sympathy expressed. 2. *Be it resolved*, That the sympathy of the people of New Jersey be and is hereby tendered to those widows and orphans whose natural protectors fell on the field, and to all disabled soldiers and sailors who suffer from mutilation and wounds received in the public defence.

Lithographed copy of resolutions to be presented. 3. *Be it resolved*, That a copy of these joint resolutions be lithographed and prepared under the direction of the Governor and presented to each honorably discharged soldier and sailor from New Jersey, who may be accessible, or who may apply for the same.

Approved March 27, 1866.

NUMBER V.

Joint resolutions in relation to Antietam Cemetery.

Preamble. WHEREAS, the state of Maryland has passed a law providing for the establishment of a cemetery at Antietam, and has invited New Jersey to unite with the other loyal states in removing and depositing therein the remains of the soldiers who fell on that memorable battle-field: *and whereas*, it is due to the noble men, citizen soldiers of New Jersey, who offered up their lives for the preservation of the Union, and to the sentiment of our people as expressed in the action of the legislature in relation to those who fell at Gettysburg, that the state should care for their remains as far as it may be possible; therefore,

Governor to appoint a trustee on the part of New Jersey. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be authorized and requested to appoint a trustee to represent this state in the establishment of the said cemetery, and to secure the removal and deposit therein of the remains of all our soldiers who were interred on the battle-field of Antietam or the fields of other battles fought in that part of Maryland, in so far as their remains can be identified as those of New Jersey soldiers, and to preserve the identity of persons as far as it may be possible; *provided*, that the expense to the state shall not exceed five thousand dollars.

Report to be made. 2. *And be it resolved*, That said trustee shall hold his appointment at the pleasure of the governor, and report to him from time to time as he may require.

Approved April 4, 1866.

NUMBER VI.

Joint Resolutions in relation to the preparation of a history of New Jersey, in connection with the war for the preservation of the Union.

Preamble. WHEREAS, the military record of the officers and soldiers of

New Jersey in the service of the United States during the war for the preservation of the Union, now happily closed, has shed imperishable honor upon the state; and whereas, it is due to the state that this record should be perfected, condensed and printed in a form accessible and convenient to our people and easily preserved; therefore,

Governor to appoint suitable persons to write history.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be authorized and requested to select and appoint a suitable and competent person, who, under his direction, shall collect material and prepare a succinct history of the part borne by New Jersey in the war of the services of her general officers, and of the campaigns of each regiment; *provided*, that the compilation of such history shall cost the state not more than four thousand dollars, and that the governor report to the next legislature the progress of the work, with his recommendation as to the best means of securing the printing and distribution thereof among the people, and its preservation to the state.

Proviso.

Approved April 4, 1866.

New Jersey State Library

CERTIFICATE OF THE GOVERNOR OF THE CONSENT AND AGREEMENT OF TWO-THIRDS OF THE STOCKHOLDERS OF THE ROADS NAMED IN

"AN ACT TO CONSOLIDATE THE BURLINGTON COUNTY RAILROAD COMPANY AND THE CAMDEN, MOORESTOWN, HAINESPORT AND MT. HOLLY HORSE CAR RAILROAD COMPANY, SUPPLEMENTARY TO THE CHARTER OF SAID COMPANIES."

State of New Jersey, }
City of Trenton, ss. }

I, Marcus L. Ward, Governor of the state of New Jersey, do hereby certify that there have been exhibited and verified before me in writing this day, the consent and agreement in writing of two-thirds of the stockholders in interest of the Burlington County Railroad Company, and of the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company, and of each of said companies to the consolidation of said two companies into one company, to be called "The Camden and Burlington County Railroad Company," in pursuance of the act entitled "An act to consolidate the Burlington County Railroad Company and the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company, supplementary to the charters of the said companies," approved February sixth, A. D., eighteen hundred and sixty-six, which consent and agreement were duly attested and verified as required by said act, and I am satisfied that the same are in accordance with and satisfy the requirements thereof.

In witness whereof, I have hereto set my hand and [SEAL.] official seal this second day of May, A. D., one thousand eight hundred and sixty-six.

MARCUS L. WARD.

Filed and recorded May 2, 1866.

[NOTE:—See page 15 of laws.]

ACCEPTANCE OF THE DELAWARE AND RARITAN CANAL AND CAMDEN AND AMBOY RAILROAD AND TRANSPORTATION COMPANIES

OF THE ACT APPROVED MARCH TWENTY-SEVENTH, EIGHTEEN HUNDRED AND SIXTY-SIX.

To all to whom these presents shall come :

WHEREAS, the legislature of New Jersey hath lately passed an act entitled "A further supplement to the acts incorporating the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies," which act was approved on the twenty-seventh day of March, A. D., eighteen hundred and sixty-six; and whereas, the joint board of directors of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies have unanimously adopted a resolution that the assent of said companies be given to said act.

Now, therefore, this is to declare and make known that the said companies have assented and do hereby assent to the said act and all the provisions thereof.

In witness whereof, the said companies have hereunto caused their corporate seals to be affixed this fifth day of April, A. D., eighteen hundred and sixty-six.

E. A. STEVENS, *President,*
C. & A. R. R. & T. Co. [SEAL.]

R. F. STOCKTON, *President,*
D. & R. Canal. [SEAL.

(5c. U. S. 5c.)
Internal
Revenue
Stamp.
(5c. Cancelled. 5c.)

Attest,
SAMUEL BAYARD,
Secretary.

Attest,
JOHN P. STOCKTON,
Secretary.

Filed and recorded May 1, 1866.

[NOTE.—See page 708 of laws.]

PROCLAMATIONS

OF

GOVERNORS PARKER & WARD,

FROM

September 25th. 1865, to the 30th day of August, 1866.

PROCLAMATIONS.

Proclamation by Joel Parker, Governor of the State of New Jersey.

Preamble

WHEREAS, James Jenkins, who was on the third day of November Anno Domini, eighteen hundred and sixty-three, duly elected to represent the county of Union, in the State Senate, has by letters addressed to me dated the eighteenth day of September, Anno Domini, eighteen hundred and sixty-five, resigned the said office and thereby a vacancy has occurred in the representation of said county.

County clerk to give notice of election.

Therefore, I, Joel Parker, Governor of the State of New Jersey, hereby issue this my warrant to Henry R. Cannon, esquire, clerk of the said county of Union, commanding and requiring you, that you proceed to give notice according to law, that an election will be held in the several townships and wards comprising the said county of Union, on Tuesday, the seventh day of November next ensuing the date hereof, for the purpose of electing a senator to represent said county in the Legislature of New Jersey during the unexpired term occasioned by the resignation of the said James Jenkins.

Given under my hand and the great seal of the State [L. S.] of New Jersey, this twenty-fifth day of September, in the year of our Lord eighteen hundred and sixty-five, and of the independence of the United States the ninetieth.

JOEL PARKER.

By the Governor:
W. S. JOHNSON, *Secretary of State.*

A Proclamation by the Governor of New Jersey.

It has pleased God, during the year now drawing to a close, to remove from our country the scourge of civil war, Preamble. to permit the re-establishment of the National Government over a Restored Union, to preserve our people from famine and pestilence and to bestow upon us abundant harvests.

For these and other blessings our devout thanks are due to Him who is the giver of all good.

Therefore, I, Joel Parker, Governor of the State of New Jersey, do hereby designate and appoint Thursday, the Seventh day of December next, as a day of Thanksgiving and Prayer, and recommend the people of this state to assemble on that day in their usual places of public worship to give thanks to Almighty God for the manifold blessings bestowed on us during the past year: and in the midst of thanksgiving humbly to pray that He will speedily repair the ravages of war, bind up the broken-hearted and give consolation to those who sorrow for the slain; that He will move the hearts of our people to remember with gratitude the heroic services of the soldiers of the Union, cherish the memory of those who have fallen, and with liberal hand provide for the widow and the orphan; and especially that he will preserve our beloved country from civil strife and from foreign war, advance our nation in the path of true greatness and cause us as a people continually to rely for guidance on the Most High. Appointment of day for thanksgiving and prayer.

Given under my hand and privy seal at Trenton, the [L. S.] thirteenth day of November, Anno Domini, eighteen hundred and sixty-five.

JOEL PARKER.

Attest,
S. M. Dickinson, *Private Secretary.*

Proclamation by the Governor.

Whereas, information has been communicated to me in due form of law that John H. High, was on the twenty-fourth Prea

day of November, Anno Domini, eighteen hundred and sixty-five, in the county of Essex, and state of New Jersey, murdered by some person or persons unknown,

Reward.

Now, therefore, I, Joel Parker, Governor of the State of New Jersey, by virtue of the authority vested in me by law, do issue this my proclamation and hereby offer a reward of three hundred dollars, to be paid out of the treasury of this state, for the apprehension and conviction of each of the persons who committed the said crime.

Given under my hand and the great seal of the State
[L. S.] of New Jersey, at Trenton, this eleventh day of December, Anno Domini, eighteen hundred and sixty-five.

JOEL PARKER.

By the Governor;
W. S. JOHNSON, *Secretary of State.*

Joel Parker, Governor of the State of New Jersey.

To our Sheriff of our County of Essex, greeting:

Reprieve in case of Morris Ellsworth

Know ye that for divers reasons me thereunto moving, I have granted and do hereby grant a reprieve to Morris Ellsworth, now under sentence of death by reason of a conviction of murder in the first degree heretofore had in the Court of Oyer and Terminer and general jail delivery in and for said county, and I do hereby order and direct that you suspend the execution of the said sentence of death upon Morris Ellsworth, aforesaid, until Wednesday, the tenth day of January next or until you are thereunto commanded by my warrant directed and delivered to you according to law. Hereof fail not.

Given under my hand and the great seal of the State
[L. S.] of New Jersey, at Trenton, the eighteenth day of December, one thousand eight hundred and sixty-five.

By the Governor; JOEL PARKER.
W. S. JOHNSON, *Secretary of State.*

The above reprieve was delivered into the hands of the Sheriff of the county of Essex, by J. D. Hall, special mes-

senger, on the eighteenth day of December, eighteen hundred and sixty-five.

Joel Parker, Governor of the State of New Jersey.

To our Sheriff of our county of Essex, greeting:

Know you, that by virtue of the authority vested in me by law, I do hereby command you that upon Morris Ellsworth, heretofore convicted in your said county, of murder in the first degree, and by the judgment of the Court of Oyer and Terminer of said county, sentenced to be hanged by the neck until dead, and who, by an order of the eighteenth day of December, Anno Domini, eighteen hundred and sixty-five, to you directed and delivered, was duly reprieved, and the said sentence of death against him suspended until Wednesday, the tenth day of January next, or until you were further directed by me: you do proceed on the said tenth day of January next, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of said tenth day of January next, according to law, to execute the sentence of the said court upon the said Morris Ellsworth, by hanging him by the neck until he be dead. Hereof fail not, and for so doing this shall be your sufficient warrant.

Warrant for the execution Morris Ellsworth.

Given under my hand and the great seal of the State [L. S.] at Trenton, the twenty-ninth day of December, in the year of our Lord one thousand eight hundred and sixty-five.

JOEL PARKER.

By the Governor;
W. S. JOHNSON, *Secretary of State.*

The above warrant was delivered into the hands of the Sheriff of the county of Essex, on the twenty-ninth day of December, Anno Domini, eighteen hundred and sixty-five, by J. D. Hall, special messenger.

Proclamation by the Governor of the State of New Jersey.

Preamble. WHEREAS, information has been communicated to me in due form of law that the body of William Wilks was found on or about the fourteenth day of February last, at Bull's Ferry, in Hudson County, supposed to have been washed ashore, and the said William Wilks having been feloniously murdered, on or during some day or days between the twenty-second day of January and the fourteenth day of February aforesaid, by a person or persons unknown,

Proclamation of reward. Now therefore, I, Marcus L. Ward, Governor of the State of New Jersey by virtue of authority vested in me by law, do issue this, my proclamation, and hereby offer a reward of three hundred dollars, to be paid out of the treasury of this state, for the apprehension and conviction of each of the persons who committed the said crime.

Given under my hand and the great seal of the State [L. S.] of New Jersey at Trenton, this twenty-sixth day of March, A. D. eighteen hundred and sixty-six.

MARCUS L. WARD.

By the Governor;
H. N. CONGAR. *Secretary of State.*

Marcus L. Ward, Governor of the State of New Jersey.

To our Sheriff of our County of Union, Greeting:

Repreive in the case of William Grady. Know ye that for divers reasons me thereunto moving, I have granted and do hereby grant a reprieve unto William Grady, now under sentence of death by reason of a conviction of murder in the first degree, heretofore had in the Court of Oyer and Terminer and general jail deliery in and for said county; and I do hereby order and direct that you suspend the execution of the said sentence of death upon William Grady aforesaid, until Wednesday, the eleventh day of April next, or until you are thereunto commanded by my

warrant directed and delivered to you according to law. Hereof fail not.

Given under my hand and the great seal of the State
[L. s.[of New Jersey, at Trenton, the twenty-seventh day of March, one thousand eight hundred and sixty-six.

MARCUS L. WARD.

By the Governor;
H. N. CONGAR, *Secretary of State.*

The above warrant was delivered to the sheriff of Union County, by George L. Dean, special messenger.

Marcus L. Ward, Governor of the State of New Jersey.

To our Sheriff of our County of Union, greeting:

Warrant for the execution of William Grady.

Know you, that by virtue of the authority vested in me by law, I do hereby command you that upon William Grady, heretofore convicted in your said county, of murder in the first degree, and by the judgment of the Court of Oyer and Terminer and general jail delivery of said county, sentenced to be hanged by the neck until dead, and who, by an order of the twenty-seventh day of March, A. D., eighteen hundred and sixty-six, to you directed and delivered, was duly reprieved, and the said sentence of death against him suspended until Wednesday the eleventh day of April next or until you were further directed by me; you do proceed on the said eleventh day of April next, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of said eleventh day of April next according to law to execute the sentence of the said court upon the said William Grady, by hanging him by the neck until he be dead. Hereof fail not, and for your so doing this shall be your sufficient warrant.

Given under my hand and the great seal of the State
[L. s.] of New Jersey at Trenton, the twenty-eighth day of March, in the year of our Lord, one thousand eight hundred and sixty-six.

MARCUS L. WARD.

By the Governor;
H. N. CONGAR, *Secretary of State.*

I hereby acknowledge the receipt of a warrant of execution of William Grady, to me directed by the hands of John B. Johnston, special messenger this thirtieth day of March, eighteen hundred and sixty-six, whereof the within is a true copy,

NATHANIEL BONNEL, *Sheriff.*

A Proclamation by Marcus L. Ward, Governor of the State of New Jersey.

Preamble. WHEREAS, information has been communicated to me in due form of law, that George Raymond of the township of Deptford in the County of Gloucester and State of New Jersey, on the eighteenth day of July instant, was murdered in his own house by some person or persons unknown,

Proclamation of Reward. Now therefore, I, Marcus L. Ward, Governor of the State of New Jersey, by virtue of authority vested in me by law, do issue this my proclamation, and hereby offer a reward of three hundred dollars to be paid out of the treasury of this state for the apprehension and conviction of each of the persons who committed the said crime.

Given under my hand and the great seal of the State [L. S.] of New Jersey, at Trenton, this twenty-eighth day of July, A. D. eighteen hundred and sixty-six.

MARCUS L. WARD.

By the Governor;
H. N. CONGAR, *Secretary of State.*

Proclamation by Marcus L. Ward, Governor of the State of New Jersey.

Preamble. WHEREAS, the Honorable Secretary of State of the United States has transmitted to me an amendment to the constitution of the United States to be submitted to the legislature of this state for its ratification, and whereas, in con-

sequence of an existing vacancy, New Jersey is not fully represented in the Senate of the United States to the detriment of important interests,

Therefore, I, Marcus L. Ward, Governor of the State of New Jersey, by virtue of the power vested in me by the constitution, do convene the legislature of this state, hereby requiring the senators and members of the general assembly to assemble in their respective chambers at the State House, in the City of Trenton, on Monday, the tenth day of September, at three o'clock in the afternoon. Legislature conveyed.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of New Jer-
[L. S.] sey to be affixed. Done at Trenton, this thirtieth day of August in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States, the ninety-first.

MARCUS L. WARD.

By the Governor;
H. N. CONGAR, *Secretary of State.*

ACTS

OF THE

Extra Session of the Legislature,

CONVENED AT TRENTON,

SEPTEMBER 10th, 1866.

JOINT RESOLUTION.

NUMBER I.

Joint resolution ratifying the amendment of the Constitution of the United States.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the amendment to the Constitution of the United States proposed at the first session of the Thirty-ninth Congress by a resolution of the Senate and House of Representatives of the United States of America, in Congress assembled, to the several state legislatures, be and the same is hereby ratified upon the part of this legislature, and made a part of the Constitution of the United States of America, said amendment being in the following words, to wit: Constitutional amendment ratified.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of

the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Approved September 11, 1866.

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POPULATION

OF THE

COUNTIES, TOWNSHIPS AND WARDS

OF THE

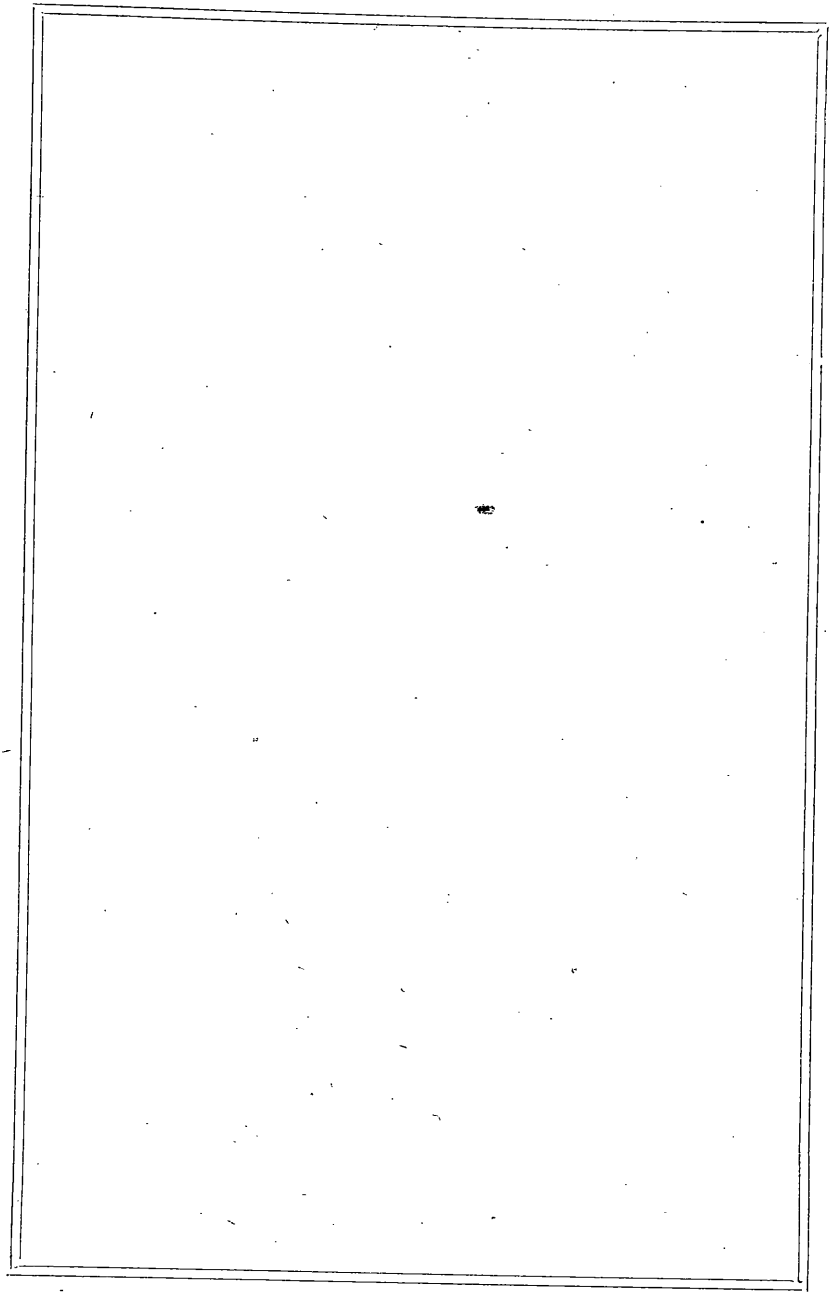
STATE OF NEW JERSEY,

ACCORDING TO THE CENSUS OF 1865.

(By Authority of a Law of said State.)

Compiled by the Secretary of State, and ordered to be printed with the Laws.

PATERSON, N. J.:
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1866.



Abstract of Census Returns for the County of Atlantic, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN,				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Atlantic City—North Ward	97	103	2	1	6	8			57	55			329
" South "	127	112			41	28			69	40			417
Egg Harbor	785	789	21	23	376	344		2	641	669	9	5	3664
Galloway	870	852	8	5	55	69	1	55	350	282	24	22	2593
Hamilton	413	383	29	28	91	69			386	362	28	21	1810
Mullica	439	419	9	8	46	44			231	224	2	3	1425
Weymouth	377	368		1	19	8			168	165			1106
	3108	3026	69	66	634	570	1	57	1902	1797	63	51	11344

Abstract of Census Returns for the County of Bergen, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Franklin	702	694	13	12	65	72	1		329	283	8	9	2188
Hackensack	2046	2094	152	146	630	680			679	622	33	30	7112
Harrington	423	425	65	60	139	141			216	209	36	34	1748
Hohokus	683	752	78	88	57	44			285	276	44	42	2349
Lodi	367	374	33	45	374	335			303	261	22	20	2134
New Barbadoes	1068	1168	122	116	300	304	1	1	464	443	57	61	4105
Saddle River	293	277	30	19	83	74			149	129	2	5	1063
Union	192	218	8	8	115	106			122	122	4	4	899
Washington	1040	996	130	125	62	62			304	294	44	26	3038
	6814	7000	631	619	1825	1818	2	1	2851	2594	250	231	24636

Abstract of Census Returns for the County of Burlington, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Bordentown	1478	1569	85	81	312	311			692	675	28	22	5193
Burlington	2267	2782	166	273	90	113			713	784	60	75	7323
Bass River	229	185			9	7			129	77	2	2	640
Beverly	894	1025	16	35	46	67			244	233	13	12	2585
Chesterfield	391	422	19	21	46	44		1	213	209	7	11	1384
Chester	585	679	18	9	68	66	33	28	412	322	6	12	2238
Cinnaminson	750	794	50	36	169	173			354	339	13	18	2696
Evesham	1293	1282	148	139	129	129	320	6	415	346	52	49	4308
Little Egg Harbor	504	463	2	3	4	3			228	224		2	1433
Lumberton	526	549	31	27	82	91			272	251	12	9	1850
Mansfield	628	598	12	6	78	61	2	5	247	230	4	2	1873
Medford	715	781	48	41	39	29			238	241	13	17	2162
New Hanover	586	645	36	33	26	28			249	323	22	19	1967
Northampton	1494	1811	59	84	56	86			126	127	18	17	3878
Pemberton	663	729	9	7	21	16			383	342	4	6	2180
Shamong	321	292		4	38	21	9	14	266	265	10	10	1250
Southampton	1186	1123	12	9	29	27		1	362	327	4		3080
Springfield	553	551	10	18	43	48		1	218	193	14	4	1653
Washington	452	414	5	7	12	5			169	172	1		1237
Westampton	303	359	49	52	42	28	1	2	141	132	30	18	1157
Willingborough	202	214	1		15	16			83	98	3		632
	16020	17207	776	885	1354	1369	365	58	6154	5910	316	305	50719

Abstract of Census Returns for the County of Camden, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Camden—North Ward	1562	1822	4	62	318	406			622	596	2	2	5396
" South "	2144	2289	301	401	347	341	1		684	725	65	74	7372
" Middle "	1464	1708		20	265	268			951	868	1		5545
Centre	238	251	148	160	29	23			121	109	63	65	1207
Delaware	584	574	64	72	74	79			160	142	13	17	1779
Gloucester	722	763	13	43	60	52			304	346	29	23	2355
Haddon	391	511	58	51	57	80			159	192	27	34	1560
Monroe	243	257	3	6	19	12			144	123	3		810
Newton	419	430	271	77	158	150	1		326	304	109	102	2547
Stockton	277	285	95	109	78	69			203	161	37	36	1350
Union	1025	1149	19	20	334	434	1		385	403	2	1	3773
Waterford	552	574	15	12	122	107	2	1	304	237	7	7	1940
Winslow	398	410	1	1	76	59			277	214	19	18	1473
Washington	366	356	19	8	47	35		2	163	148	7	6	1157
	10385	11379	1011	1242	1984	2115	5	3	4803	4568	384	385	38264

Abstract of Census Returns for the County of Cape May, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Cape Island City	146	159	10	11	11	14	1	1	113	113	8	12	599
Dennis	785	817	2	1			1	3	202	206	1	1	2019
Lower	404	397	55	60	26	12			169	176	29	27	1355
Middle	778	762	26	20					240	234	11	6	2077
Upper	554	619	4						208	187	3		1575
	2667	2754	97	92	37	26	2	4	932	916	52	46	7625

Abstract of Census Returns for the County of Cumberland, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n beiween the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Bridgeton—1st Ward	983	1072	50	63	27	24			202	217	14	18	2670
" 2nd "	402	417	54	54	21	18	7	15	215	191	34	26	1454
" 3rd "	465	549	15	19	39	37			191	212	6	4	1537
Doune	930	854	5	4				3	420	416	10	2	2644
Deerfield	585	576	12	16	15	12	6	5	172	173	2	8	1582
Fairfield	1212	1187	121	122	14	11	7	5					2679
Greenwich	318	340	111	105	11	9			115	86	71	46	1212
Hopewell	569	576	49	45	20	21			229	213	19	11	1752
Landis	1078	1000	14	20	101	66			384	381	2	4	3050
Maurice River	810	801	15	22	6	6			370	347	9	7	2393
Millville	1321	1382			92	87	27	25	635	537	10	7	4123
Stow Creek	365	382	20	12	8	6			192	140	7	5	1137
	9038	9136	466	482	354	297	47	53	3125	2913	184	138	26233

Abstract of Census Returns for the County of Essex, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Belleville	715	856	32	43	421	448	4	7	452	420	11	16	3425
Bloomfield	1856	2119	35	60	460	616			627	623	5	7	6408
Caldwell	1102	1144	6	2	115	100		1	281	262	3		3016
Clinton	717	817	4	7	689	717			303	415	4	3	3676
East Orange	1031	1123	20	26	164	261			287	286	4	4	3206
Livingston	542	581	2	4	87	69			150	159			1594
Millburn	495	572	11	17	107	122	2	25	1655	1558	220	34	4818
Newark—1st ward	1760	2170	13	37	527	805	5	37	758	809	49	56	7026
" 2d do	1996	2240	74	21	891	1039		1	713	711	16	27	7729
" 3d do	1566	1913	45	64	641	777	1		751	690	11	25	6484
" 4th do	2084	2255	55	103	958	1067	2	1	638	682	11	20	7876
" 5th do	2165	2380	19	21	1184	1341			880	880	6	2	8878
" 6th do	1534	1717	9	16	1204	238			822	841	1	5	6387
" *7th do No Returns	1996	1997	36	37	1103	1360			900	786	17	26	8258
" 8th do	1174	1318	28	46	674	658	1	1	503	707	9	11	5130
" 9th do	1925	2299	23	42	419	489			486	372	4	2	6061
" 10th do	2142	2263	83	102	892	897			888	906			8173
" 11th do	367	403	9	10	353	413			332	353	3	3	2246
" 12th do	514	737		5	682	681			332	411			3362
" 13th do	2010	2143	31	47	1691	1743	6	4	1041	1068	8	11	9803
Orange—1st Ward	386	440	1	5	82	106			136	137			1293
" 2d do	399	485	22	20	231	274			210	216	6	10	1873
" 3d do	1018	1050	24	32	398	482			345	346	1	1	3697
South Orange	693	706	4	5	193	228			252	186			2267
West Orange	367	399	10	15	218	286			231	222	3	4	1755
* Copied from the census of 1860.	30554	34127	596	787	14384	15217	21	77	13973	14046	392	267	124441

Abstract of Census Returns for the County of Gloucester, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Clayton	884	880	2	3	128	106	1	2	501	429	2	3	2941
Deptford	1165	1194	106	135	115	117			463	436	37	39	3807
Franklin	600	559	18	24	69	48			320	287	8	6	1939
Greenwich	699	700	23	24	66	58			338	293	9	6	2216
Harrison	1172	1204	27	19	101	103			337	331	7	7	3308
Mantua	589	543	6	3	45	22			235	221	4	1	1669
Woolwich	1361	1342	114	120	252	223	6	2	414	342	31	47	4254
	6470	6422	296	328	776	677	7	4	2608	2339	98	109	20134

Abstract of Census Returns for the County of Hudson, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Bayonne	337	384	22	17	220	242			227	246	5		1700
Bergen—2nd Ward	628	677	14	20	426	460			408	438	4	3	3078
" Columbian Ward	533	610	25	35	235	317		2	381	339	11	10	2498
Communipaw	452	442			130	140			127	133			1424
Greenville	153	186	18	20	315	255			200	195	6	8	1356
Harrison	184	207	1	1	586	616			880	400			2375
Hoboken—1st Ward	1402	1450		2	1117	1219			596	639			6425
" 2nd "	192	237	5	9	673	806		1	323	307	2	2	2557
" 3rd "	696	909	1		687	635			526	540			3994
Hudson City—1st Ward	1127	1132	6	5	680	666			477	426	2	1	4522
" 2nd "	557	572		1	357	372			227	182			2268
" 3rd "	970	1081	2	6	673	729			453	460		1	4375
" 4th "	460	453	4	4	324	315			203	223			1986
Jersey City—1st Ward	1157	1191	11	14	871	1122	4	3	613	648	4	5	5643
" 2nd "	1115	1031	11	11	1356	1366			692	695	7	7	6291
" 3rd "	1306	1469	1	5	789	1020	2		670	706			5968
" 4th "	1357	1451	46	50	1004	1180		1	806	819	11	17	6742
" 5th "	1482	1535	9	17	1224	1275			853	874	3	5	7277
" 6th "	754	789	39	45	1188	1224			737	655	7	12	5450
North Bergen	801	697	28	18	340	282			417	299	5	4	2891
West Hoboken	880	969	15	17	730	738		1	422	454	2	4	4232
Weehawken	62	73	4	1	62	120			29	35	1	1	388
*Union	635	746	1		966	904			520	607			4379
*Town of Union, included in township of Union returns.	17240	18291	263	298	14953	16003	6	8	10287	10320	70	80	87819

Abstract of Census Returns for the County of Hunterdon, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Alexandria	1882	1924			14	10	7	5	25	27			3894
Bethlehem	609	688	8	10	78	72			252	260	8	6	1991
*Clinton	1530	1574	19	36	104	98			441	406	3	9	4220
Delaware	1389	1388	15	19	39	25			347	320	4	7	3553
East Amwell	790	820	84	77	20	18			209	181	28	28	2255
Franklin	700	665	3	4	9	19			183	153			1736
Kingwood	936	953	1	3	15	9			261	230			2408
Lambertville	889	1143	12	17	377	529			313	490		1	3771
Lebanon	1230	1356	6	4	191	181			390	446		1	3806
Raritan	1508	1644	70	70	86	94			392	446	19	19	4348
Readington	1295	1394	23	21	10	10			347	333	6	3	3442
Tewksbury	1091	1113	43	46	18	12			325	335	16	15	3014
Union	381	376	2	5	10	16	1	1	114	121	2	2	1031
West Amwell	463	468	17	25	28	27			127	124	5	5	1289
*Town of Clinton, included in township Clinton returns.	14693	15506	303	337	999	1120	8	6	3926	3872	92	96	40758

Abstract of Census Returns for the County of Mercer, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
East Windsor	871	923	26	39	37	48			247	221	10	12	2434
*Ewing	565	616	37	54	143	134			220	188	32	22	2011
Hamilton	1234	1235	66	68	257	257			643	579	30	19	4388
Hopewell	1307	1373	81	97	91	89			496	468	39	35	4076
Lawrence	469	527	49	48					237	202	25	23	1580
Princeton	798	984	191	260	200	268			402	489	61	69	3722
Trenton—First Ward	721	967	12	31	128	206			263	254		1	2583
" 2d do	661	824			229	375	83	129	547	571	7	52	3538
" 3d do	1077	1108	50	17	483	417			546	544	62		4244
" 4th do	1172	1356	6	7	579	533	3		543	521	2	2	4724
" 5th do	913	1005			368	387	72	103	640	617	64	67	4236
" 6th do	384	345			103	99			117	135			1183
West Windsor	471	464	16	21	38	44	1	1	233	205	2	1	1497
Washington	390	376	19	21	27	24			213	167	17	8	1262
*Inmates of Lunatic Assylum, included in Ewing returns. 134 males and 140 females.	11033	12103	553	663	2683	2881	159	233	5347	5161	351	311	41478

Abstract of Census Returns for the County of Middlesex, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
East Brunswick	537	576	10	15	132	126			295	286	2		1979
Monroe	895	905	35	32	105	99			327	350	9	10	2767
*North Brunswick	3735	4208	183	253	1308	1438	9		1639	1507	192	199	14671
†Perth Amboy	939	946	25	17	190	217		2	273	133	7	4	2753
Piscataway	804	889	79	78	171	165			397	343	27	21	2974
South Amboy	879	895	10	4	361	325			412	360	20	14	3280
South Brunswick	930	987	64	56	140	138	1		562	489	54	49	3470
Woodbridge	1079	1133	40	38	372	344	4	6	473	494	16	23	4022
	9798	10539	446	493	2779	2852	14	8	4378	3962	327	320	35916

* City of New Brunswick, included in North Brunswick returns.
† City of Perth Amboy, included in the township of Perth Amboy.

Abstract of Census Returns for the County of Monmouth, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Atlantic	315	364	54	55	102	110			204	207	28	32	1471
Freehold	1129	1207	104	124	180	222	1		350	367	36	49	3769
Howell	907	900	9	7	20	17			384	360	3	1	2608
Holmdel	516	517	47	46	84	92			147	139	16	11	1615
Manalapan	799	713	78	84	156	168			290	241	19	25	2573
Marlborough	455	437	15	26	140	143	1		271	253	10	6	1757
Middletown	1063	1127	136	140	349	382	7	4	475	491	57	44	4275
Millstone	1005	916	52	40	79	77	2	1	342	280	6	4	2804
Matawan,	536	596	72	97	120	130			258	274	30	25	2138
Ocean	1568	1710	74	89	86	94			652	672	37	23	5005
Raritan	1359	1411	58	50	130	162			422	426	11	16	4045
Shrewsbury	1232	1382	167	190	116	168	3		513	536	73	66	4446
Upper Freehold	858	949	88	93	79	70			367	337	38	43	2922
Wall	1278	1235	2	6	34	26			442	413	1	3	3440
	13020	13464	956	1047	1675	1861	14	5	5117	4996	365	348	42868

Abstract of Census Returns for the County of Morris, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Child'rn between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Chatham	864	954	25	31	495	565			323	334	4	6	3601
Chester	721	736	4	7	11	9			197	179	1	1	1866
Hanover	729	882	18	24	196	185	7	6	442	480	13	12	2994
Jefferson	492	468			82	69			225	234			1570
Mendham	548	573	10	8	56	64		1	199	213	4	4	1680
Morris	2180	2395	90	125	459	639			751	698	28	26	7391
Pequannock	1232	1312	44	36	382	342			1161	1066	20	16	5611
Randolph	899	945	9	9	335	279			456	442	9	10	3393
Roxbury	445	912	11	10	94	71	1		329	363	2	1	2239
*Rockaway—No returns	1324	1094	13	11	60	58			450	531	6	4	3551
Washington	926	888	21	20	15	8			376	352	8	3	2617
*Copied from the census of 1860.	10360	11159	245	281	2185	2289	8	7	4909	4892	95	83	36513

Abstract of Census Returns for the County of Ocean, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Brick	636	670			44	34	1	1	288	258			1932
Dover	1271	1222	4	1	37	35			348	340	3	1	3262
Jackson	385	377	2	2	12	1		4	392	317	3	2	1497
Manchester	411	322	7	6	57	39			107	99	3	3	1054
Plumstead	909	897	35	44	43	30			253	257	13	11	2492
Stafford	785	751	3	2					235	205	2	1	1984
Union	712	721	9	1	6	7	1		284	298	1	1	2041
	5109	4960	60	56	199	146	2	5	1907	1774	25	19	14262

Abstract of Census Returns for the County of Passaic, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Ackquackanonk	1351	1358	22	38	421	416	6	6	453	410	6	3	4490
Paterson—North Ward	971	1102	26	41	287	263			413	465	12	16	3596
" South do	1544	1613	10	23	1549	1489		1	857	753		2	7841
" East do	1086	1254	42	54	488	558	2		633	665	23	16	4821
" West do	1152	1339	13	7	842	732			394	429	2	1	4911
" Fifth do	614	721	7	15	618	638			554	552	1	4	3724
Pompton	402	433	19	20	30	17			266	257	15	13	1472
Wayne	379	414	23	20	100	92			206	199	2	5	1440
West Milford	856	831	23	18	22	10	2	5	354	413	18	9	2561
	8355	9065	185	236	4357	4215	10	12	4130	4143	79	69	34856

Abstract of Census Returns for the County of Salem, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Child'rn between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Alloway's Creek	429	447	58	61	8	7			178	182	24	21	1415
Elsinborough	137	131	39	60	19	15	6	4	110	93	27	14	655
Lower Penn's Neck	300	275	71	58	20	18			197	124	27	22	1112
Mannington	470	446	318	293	49	35			239	210	158	131	2349
Pilesgrove	775	848	101	111	54	49			442	433		1	2814
Pittsgrove	345	327			16	17			218	200		1	1124
Salem	1690	1962	85	145	176	179			519	482	22	29	5289
Upper Alloway's Creek	934	908	88	102	25	21			396	361	55	40	2930
Upper Penn's Neck	1347	1246	18	16	54	47			373	328	2	2	3433
Upper Pittsgrove	678	708	6	6	33	21			277	306	1	5	2041
	7105	7298	784	852	454	409	6	4	2949	2719	316	266	23162

Abstract of Census Returns for the County of Somerset, 1865.

TOWNSHIPS AND WARDS	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Bedminster	830	878	127	69	54	49			214	219	12	11	2463
Bernards	668	703	14	11	111	92		3	275	279	6	8	2170
Branchburgh	430	440	32	30	13	21			191	153	22	14	1346
Bridgewater	1343	1495	115	133	80	116		3	513	503	3	8	4312
Franklin	752	824	98	108	205	228			415	559	68	58	3315
Hillsborough	1092	1162	96	115	91	86			388	367	42	29	3468
Montgomery	484	545	41	53	49	49			217	197	48	11	1694
Warren	832	921	19	17	210	225	1		299	305	11	2	2842
	6431	6968	542	536	813	866	1	6	2512	2582	212	141	21610

Abstract of Census Returns for the County of Sussex, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Andover	488	496	4	4	21	25			141	153	2		1334
Byram	448	462	6	6	32	20			223	208	1		1406
Frankford	644	612	10	15	14	9			234	257	3	3	1801
Greene	459	428	2	3	11	9			132	109			1153
Hardiston	543	559	5	3	50	52			252	220	1		1685
Hampton	378	394	4	1	9	8			164	138	1	2	1099
Lafayette	296	313	4	5	15	11			108	117	5	2	876
Montagne	347	350	9	9	5	3			161	129			1013
Newton	618	712	9	19	88	108			251	258		7	2070
Sandiston	361	370	6	9	22	22			226	210	4	4	1234
Sparta	988	958	13	12	109	71			295	266	2		2714
Stillwater	434	468			8	11			263	270		1	1455
Vernon	531	700				1	1	2	312	387			1984
Walgack	388	373	9	9	3	2			113	97	4	5	1003
Wantage	1033	1128	17	18	24	17			423	422	10	10	3102
	8006	8323	98	113	411	369	1	2	3298	3241	33	34	23929

Abstract of Census Returns for the County of Warren, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Belvidere	664	766	27	26	31	39			179	205	10	6	1953
Blairstown	517	548	6	7	3	5			215	195	8	4	1508
Franklin	1017	909	20	21	202	18		2	293	211	7	1	2701
Frelinghuysen	396	472	1		7	6			174	171	2		1229
Greenwich	1199	1141	15	17	90	31	4	2	393	325	6	2	3225
Hackettstown	546	581		4	150	79			201	168		1	1730
Hardwick	230	248							117	105			700
Harmony	704	699	2	5	5	8			207	195			1825
Hope	784	813	10	5	5	5			223	193		1	2039
Independence	854	829	6	6	28	25			245	223	3	3	2222
Knowlton	540	531			14	12			214	195			1506
Lopatcong	309	309	3	2	133	54			185	133			1128
Mansfield	509	471	9	13	24	15			244	251	6	4	1546
Oxford	630	608	19	20	24	20			298	290	19	8	1936
Pahaquary	217	233			3	1			60	68			582
Phillipsburg	762	736	10	18	350	308	1	1	478	466	8	7	3145
Washington	728	699	8	10	161	129	4	8	400	395	4	2	2548
	10606	10593	136	154	1230	755	9	13	4126	3789	73	39	31523

Abstract of Census Returns for the County of Union, 1865.

TOWNSHIPS AND WARDS.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Childr'n between the ages of 5 & 16		Total number of inhabitants in township.
	White Males	White Females	Col'd Males	Col'd Females	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females	
Clark	173	172			28	21		2	57	53		2	508
Elizabeth—1st Ward	969	981	15	14	446	426	3	3	356	342			3555
" 2d do	660	662			629	571			329	374			3225
" 3d do	930	1046	36	50	442	498			439	422	11	15	3869
" 4th do	665	756	36	63	254	294			212	134	4	7	2425
" 5th do	397	493	16	19	206	316		1	253	200	1	6	1908
" 6th do	701	781	16	27	188	255		1	223	196	3		2391
Linden	350	341	34	39	87	87			110	92	2	4	1146
New Providence	364	388	5	7	170	229	2		293	294	4	2	1758
Plainfield	1281	1683			170	233	69	74	437	554	26	13	4540
Rahway—1st Ward	150	190	15	28	110	103			116	100	3	3	818
" 2d do	399	454	4	10	114	144	2	1	190	208			1526
" 3d do	590	680	27	37	88	105	2		212	196	13	9	1959
" 4th do	244	287	4	4	23	41	5	5	114	86	7	5	825
Springfield	205	222	6	10	73	83			114	152	1	3	869
Union	729	803	33	35	162	178			235	213	9	9	2406
Westfield	438	517	14	18	115	144			210	205	13	8	1682
	9245	10456	261	361	3285	3728	83	87	3900	3821	97	86	35410

Recapitulation—Abstract of Census Returns for the State of New Jersey, 1865.

COUNTIES.	NATIVE.				FOREIGN.				White Child'n between the ages of 5 & 16		Col'd Child'rn between the ages of 5 & 16		Total number of inhabitants in county, 1865.	Total number of inhabitants in county, 1860.	Increase.	Decrease.
	White Males	White Females	Col'd Males	Col'd Fmales	White Males	White Females	Col'd Males	Col'd Females	Males	Females	Males	Females				
Atlantic	3108	3026	69	66	634	570	1	57	1902	1797	63	51	11344	11786		442
Bergen	6814	7000	631	619	1825	1818	2	1	2851	2594	250	231	24636	21618	3018	
Burlington	16020	17207	776	885	1354	1369	365	58	6154	5910	316	305	50719	49730	989	
Camden	10385	11379	1211	1242	1984	2115	5	3	4803	4568	384	385	38464	34457	4007	
Cape May	2667	2754	97	92	37	26	2	4	932	916	52	46	7625	7130	495	
Cumberland	9038	9136	466	482	354	297	47	53	3125	2913	184	138	26233	22605	3628	
Essex	30554	34127	596	787	14384	15217	21	77	13973	14046	392	267	124441	98877	25564	
Gloucester	6470	6422	296	328	776	677	7	4	2608	2339	98	109	20134	18444	1690	
Hudson	17240	18291	263	298	14953	16003	6	8	10287	10320	70	80	87819	62717	25102	
Hunterdon	14693	15506	303	337	999	1120	8	6	3926	3872	92	96	40758	33650	7108	
Mercer	11033	12103	553	663	2683	2881	159	233	5347	5161	351	311	41478	37418	4060	
Middlesex	9798	10539	446	493	2779	2852	14	8	4378	3962	327	320	35916	34812	1104	
Monmouth	13020	13464	956	1047	1675	1861	14	5	5117	4996	365	348	42868	39346	3522	
Morris	10360	11159	245	281	2185	2289	8	7	4909	4892	95	83	36513	34676	1837	
Ocean	5109	4960	60	56	199	146	2	5	1907	1774	25	19	14262	11176	3086	
Passaic	8355	9065	185	236	4357	4215	10	12	4130	4143	79	69	34856	29013	5843	
Salem	7105	7298	784	852	454	409	6	4	2949	2719	316	266	23162	22458	704	
S merset	6431	6968	542	536	813	866	1	6	2512	2582	212	141	21610	22057		447
Sussex	8006	8323	98	113	411	369	1	2	3298	3241	33	34	23929	23846	83	
Union	9245	10456	261	361	3285	3728	83	87	3900	3821	97	86	35410	27780	7630	
Warren	10606	10593	136	154	1230	755	9	13	4126	3789	73	39	31523	28433	3090	
	216057	229776	8774	9928	57371	59583	771	653	93134	90355	3874	3424	773700	672029	101671	889