

A C T S

33012

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

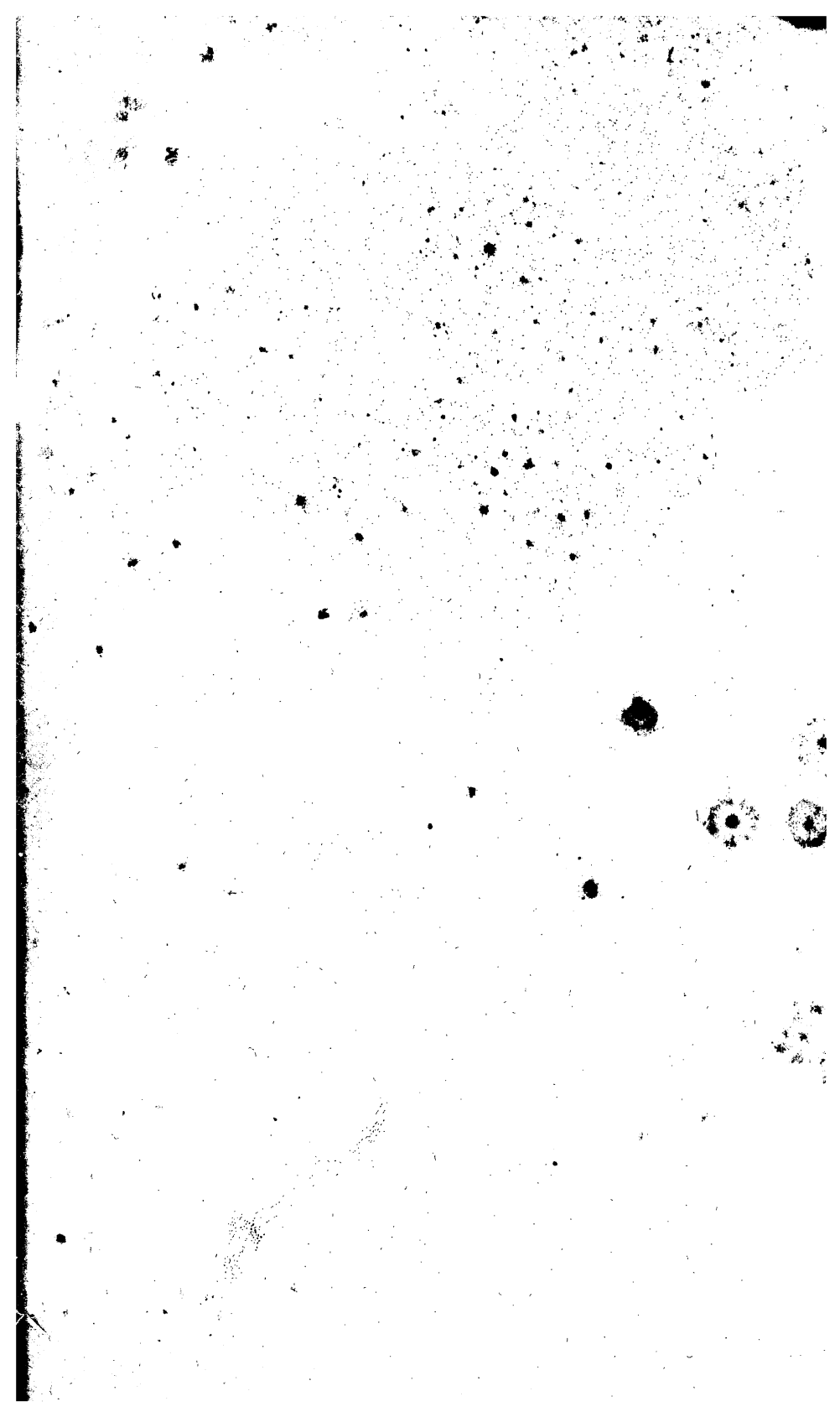
EIGHTH SESSION UNDER THE NEW CONSTITUTION.



SOMERVILLE:

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1852.



A C T S
OF THE
SEVENTY-SIXTH LEGISLATURE
OF THE
STATE OF NEW JERSEY.

CHAPTER I.

AN ACT to set off from the townships of Chesterfield and Mansfield, in the county of Burlington, a new township, to be called the township of Bordentown.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Boundaries of township.} *of the State of New Jersey,* That all that part of the townships of Chesterfield and Mansfield, in the county Burlington, lying within the following boundaries, that is to say: beginning at the line of the state of Pennsylvania, opposite the mouth of Black's creek, on the Delaware river; thence running down said river, along said state line, to a point opposite the middle of that part of said river which runs between Newbold's or Biddle's island and the main or Jersey shore; thence along the middle of the same, around said island, to a point opposite a certain sluice, known as Emley's sluice, on the river road leading from Bordentown to Burlington; thence, up said sluice or main ditch, to the old York road; thence, along the north side of said road, to Black's bridge over Black's creek; thence, still along the north side of said York road, to the intersection of the Mill road; thence, still up the north side of said York road, to a

stake standing in the line of William Black's farm, about one hundred yards northeast of a small tenant house belonging to Samuel C. Taylor; thence north, five degrees east, along said line, commonly known as Edward Field's line, now Black's, to a stone, corner to land of Clement Rockhill; thence by the same, along line of lands of said Rockhill and Ann Newbold, to a stone in the woods, corner of William Carslake, said Rockhill, and Newbold; thence north, thirty-six degrees and a half west, to a stake corner to land of Lewis W. Pancoast; thence north, five degrees west, along the line of lands of said Carslake and Pancoast, to the main road leading from Bordentown to Carslake's corner; thence, across said main road, to a road leading from said main road to Sandhills; thence, along the west side of said road, to the intersection of the Groveville and Trenton road; thence along the west side of said Groveville road, south, sixty-eight degrees east, along said road down to the middle of Crosswicks creek; thence down the middle of said creek, to its junction with the Delaware river at Bordentown; thence down the Delaware river, along the line of the state of Pennsylvania, to the place of beginning, is hereby set off from the said townships of Chesterfield and Mansfield, and erected into a separate township, to be called and known by the name of "the township of Bordentown."

Inhabitants
incorporated

2. *And be it enacted*, That the inhabitants of the said township of Bordentown 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 Bordentown, in the county of Burlington," shall be vested with and 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 Burlington.

First town
meeting.

3. *And be it enacted*, That the inhabitants of the said township of Bordentown shall hold their first annual town meeting at the public house now kept by George W. Dobbins, in the borough of Bordentown, on the day appointed by law for holding the annual town meetings in the other townships of the county of Burlington, and afterwards at

such places in the township of Bordentown as the said inhabitants shall determine, in the manner herein after provided.

4. *And be it enacted*, That the inhabitants of the said ^{Township officers.} township of Bordentown are hereby authorized and required to elect by ballot, and not otherwise, at said town meeting, and at their annual town meetings thereafter, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law: that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, two overseers of the poor, as many overseers of the highways as there are road districts, a town committee consisting of five persons, a town superintendent of common schools, as many justices of the peace as the said township may be constitutionally entitled to elect, two constables, and such other officers as are needed for said township.

5. *And be it enacted*, That, at the hour of ten o'clock in ^{Town meetings, how conducted.} the forenoon of the day of such annual town meetings, the inhabitants of said township shall be called to order by any one of the township committee, and shall then proceed viva voce to the choice of a moderator, who shall preside for the day, and a full report of the settlement of the township accounts shall then be read; and the inhabitants, so assembled, shall then proceed in the same manner to vote for the amount of money to be raised for the support of the poor, for school purposes, the amount of dog tax, and for the places of holding the next annual town meeting, and the election of state and county officers.

6. *And be it enacted*, That the elections for the town- ^{Mode of election of officers.} ship officers, above designated, shall open at ten and a half o'clock in the morning, and close at seven o'clock in the afternoon of the same day, and shall be conducted in the same manner and subject to the same rules as elections for state and county officers are or shall be; the board of election shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and 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.

Town committee to supply vacancies.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, 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 said town meeting, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more have an equal number of votes for the same office, the town committee of said township shall, at their next meeting thereafter, fill such vacancy, determine upon such place, and elect between those having an equal number of votes, unless they shall deem a special meeting for those purposes most advisable.

Board of election.

8. *And be it enacted*, That Nathaniel Warner, Robert Hankins, and James Trout shall constitute the board of election for said township at the next annual town meeting after the passage of this act, with power to choose a clerk, by whom due notice of the holding of such town meeting shall be given; and that thereafter the judge of election, assessor and collector for the time being, shall constitute a board of election for all future annual town meetings.

Ballot box to be procured.

9. *And be it enacted*, That the board of election, appointed by this act to hold the first annual town meeting, are hereby required and directed to procure, at the expense of the county, a ballot box for the use of said township.

Town committees to divide property.

10. *And be it enacted*, That the town committees of the townships of Bordentown, Chesterfield, and Mansfield shall meet on the Monday next after the annual town meeting, at the house now kept by George W. Dobbins, in Bordentown, at the hour of ten o'clock in the forenoon of said day, and shall then and there proceed by writing, signed by a majority of the township committees present, to allot and divide between the said townships of Bordentown, Chesterfield, and Mansfield all the property and moneys on hand or due, in proportion to the taxable property and rates, as valued and assessed by the assessors of the townships of Chesterfield and Mansfield at the last annual assessment; and the inhabitants of the township of Borden-

town shall be liable to pay their just proportion of the debts, if any there be; and if any of the town committee shall neglect or refuse to attend the meeting as aforesaid, those present may proceed to make such division, and shall have full power to adjourn from time to time, and to such place as they may think proper; and their decision, or the decision of a majority of them, shall be final and conclusive.

11. *And be it enacted*, That all paupers who may be chargeable to said townships of Chesterfield and Mansfield at the time this act goes into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they have respectively acquired their legal settlements. ^{Settlement of paupers.}

12. *And be it enacted*, That this act shall take effect on the second Monday in March next.

JOHN HUYLER,
Speaker of the House of Assembly.

JOHN MANNERS,
President of the Senate.

Approved January 31, 1852.

GEO. F. FORT.

CHAPTER II.

AN ACT to confirm the acknowledgment of a letter of attorney from Hamilton Beckett to Henry Beckett.

WHEREAS Hamilton Beckett, late of Philadelphia, but now ^{Preamble.} residing in the Bombay presidency, East Indies, in and by his letter of attorney, under his hand and seal, and bearing date on the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and fifty-one, did constitute and appoint his father, Henry Beck-

ett, of the county of Burlington and state aforesaid, his lawful attorney, with power, among other things, to sell and dispose of lands and real estate in fee simple, at his discretion, within the United States; which letter of attorney was afterwards acknowledged by the said Hamilton Beckett before the Honorable Henry Brown, judge of Poona, in the Bombay presidency, as appears by his official certificate and the seal of the court of Poona aforesaid. And whereas doubts have been expressed as to the sufficiency of the said acknowledgment and certificate, and whether letters of attorney are within the provisions of the act entitled, "An act respecting conveyances," which act requires the officer taking the acknowledgment to certify to his knowledge of the grantor, and that he made him acquainted with the contents of the instrument, by reason whereof some question may be raised hereafter about the validity of titles made under the said letter of attorney—for remedy whereof,

Letter of attorney confirmed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the letter of attorney, so made as aforesaid by the said Hamilton Beckett to the said Henry Beckett, shall be deemed and taken to be as valid and effectual to authorize the said attorney to convey all lands and real estate of the said Hamilton Beckett, within this state, and all his right and interest therein, as if the said acknowledgment had been taken before the chief justice of this state, or any other officer authorized to take the same, and certified in due form, according to the provisions of the act entitled, "An act respecting conveyances."

Record confirmed.

2. *And be it enacted*, That the record of the said letter of attorney, as made in book E. 5 of deeds, in the clerk's office of the county of Burlington, is hereby confirmed and declared to be valid.

Approved January 31, 1852.

CHAPTER III.

AN ACT to authorize and empower the inhabitants of the city of Trenton to construct works to supply said city with water, and to provide means therefor by loan.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Trenton are hereby authorized and directed, within twenty days after this act shall take effect, as herein after provided, to appoint three commissioners, to be called "water commissioners," who shall have the powers and perform the duties herein after mentioned: the first of said water commissioners shall hold his office until the first Monday in January, Anno Domini eighteen hundred and fifty-three, the second until the first Monday in January, Anno Domini eighteen hundred and fifty-four, and the third until the first Monday in January, Anno Domini eighteen hundred and fifty-five. During the month of January, in each year hereafter, one water commissioner shall be appointed by said common council, who shall hold his office for the term of three years from the first Monday of said month of January. In case a vacancy should occur in the office of water commissioner, the said common council shall appoint a proper person to fill the same, and serve the unexpired term. No member of the common council shall be eligible to the office of water commissioner.

2. *And be it enacted*, That the said water commissioners; and every of them, appointed under the provisions of this act, before entering on the discharge of the duties prescribed by this act, shall severally take and subscribe, before the clerk of said city, who is hereby authorized to administer the same, an oath or affirmation, faithfully and impartially to discharge all the duties imposed on them by this act, which said oath or affirmation shall be filed in the office of the clerk of said city; and further, before entering upon the discharge of the duties prescribed by this act, each of said water commissioners shall repair to the common council of said city, and enter into bond to the inhabitants of the city of Trenton, with two freehold sureties, to be ap-

Appoint-
ment of wa-
ter commis-
sioners.

Commission-
ers to take
oath.

To give bond

proved of by the said common council, in such sum (not less than three thousand dollars) as the said common council may direct, conditioned for the true and faithful performance of all the duties of the said office of water commissioner. No water commissioner shall be interested or concerned, directly or indirectly, in any contract or agreement for furnishing labor or materials in the erection or repair of the works authorized by this act, which said water commissioners may make or cause to be made; but each of said water commissioners shall be entitled to receive, out of the revenues arising from said works and created by this act, the sum of one dollar and fifty cents per day for each day actually employed, not exceeding in the whole the sum of one hundred dollars in each year.

Compensation.

Commissioners authorized to construct works.

3. *And be it enacted*, That the said water commissioners are hereby invested with all the powers necessary to enable them to construct, keep up, and maintain such reservoirs, aqueducts, and apparatus for elevating water, as they may deem necessary from time to time, with such erections in the Delaware river (not obstructing the navigation thereof), and such other works, establishments, and fixtures, as may be, in their opinion, required to effectuate the objects of this act; and to use the waters of said river for the purposes contemplated by this act, and to lay all pipes, under the streets or through private property in said city, that may be needed to conduct said water from the river to the reservoirs, and from the reservoirs to such parts of the city and vicinity as the common council of said city may, from time to time, deem expedient; and for these purposes, said water commissioners may make all such contracts, and employ all such engineers, workmen, and laborers, as they may deem necessary, subject, however, to the restrictions herein after provided.

Proceedings in case commissioners and owners of land cannot agree.

4. *And be it enacted*, That if it should become necessary, in the opinion of said water commissioners, to lay pipes through any private lands in said city, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof, as to the amount of compensation to be paid for the laying said pipes through said lands,

or the price of such lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as said water commissioners may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state, upon application to him by said water commissioners, and after ten days' previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of the state, after publication thereof for any term, not less than twenty days, in a daily newspaper published in the city of Trenton, to appoint three disinterested appraisers, from the county of Mercer, to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands, as the case may be; and it shall be the duty of the said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises,) within twenty days after their appointment, to deliver to said water commissioners a written appraisement, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works as aforesaid, which appraisement the said water commissioners shall cause to be recorded in the registry of deeds for the county of Mercer; and upon payment, or tender, by the said water commissioners to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said water commissioners shall have the right to lay said pipes through the lands aforesaid, or "the inhabitants of the city of Trenton" shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works as aforesaid: and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or out of the state, then and in that case it shall be sufficient for said water commissioners to pay the amount, which may have been appraised as aforesaid, into the court

of chancery of this state, subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all which proceedings shall be taxed by the said justice of the supreme court, and paid by the said water commissioners.

Parties ag-
grieved may
appeal.

5. *And be it enacted*, That in case the commissioners or the owner or owners of the said land shall be dissatisfied with the award of the appraisers named in the preceding section, and shall apply to the justices of the supreme court, at the next term after filing of the said award, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or damages sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against said commissioners, 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 commissioners shall have offered or the said appraisers awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the commissioners from taking or laying pipes through said lands upon the award of the appraisers, the value or damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Commission-
ers may en-
ter upon pri-
vate lands to
make repairs
&c.

6. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes, which may have been laid through any private lands, either by virtue of the preceding section or by agreement with the

owner or owners thereof, it shall be lawful for the said water commissioners, with their workmen and agents, and with necessary vehicles, tools, and implements, to enter upon said lands, and make the necessary repairs and alterations, doing no unnecessary damage; *provided always*, Proviso. that nothing in this section contained shall be so construed as to protect the said water commissioners, or their workmen or agents, from any action that may be brought against them, individually, by the owner or owners of said lands, for any damage which they may have wilfully or unnecessarily done.

7. *And be it enacted*, That the work and materials, Contracts to be made for work and materials. which the said water commissioners are herein before authorized to procure, shall be obtained by contract, whenever practicable, and that notice shall be given by said water commissioners by public advertisement, so that ample time may be given for the reception of proposals therefor: in every advertisement, the proposals invited shall be set forth with as much precision as possible, and it shall be distinctly stated in such advertisement, that no extra allowance above the contract price agreed upon will be made under any pretext whatsoever; each contract shall, in all cases, be awarded to the lowest bidder therefor, who shall give bond, with ample security for the faithful performance of the contract; all such bonds shall be executed to "the inhabitants of the city of Trenton," and deposited for safe keeping in the office of the clerk of said city; and no extra allowances shall be made by said water commissioners to any contractor or contractors. All contracts involving a greater amount than two hundred dollars, and all contractor's bonds, shall be presented to and approved of by the common council of said city, before said contract shall take effect.

8. *And be it enacted*, That when said works shall have been sufficiently completed, the said water commissioners shall have authority to furnish water to individuals, and to establish such general rates of price and times of payment thereof, as they may deem proper, and to prescribe such rules, regulations, conditions, and restrictions, as to the use of the water, as may, in their opinion, be necessary to pre- Commissioners to establish water rates, &c.

vent abuse; and said water commissioners shall have power, and it shall be their duty, to stop off the water from any premises, the owner or occupants of which shall have neglected to pay such price, at the time specified for the payment thereof, or shall have violated or permitted the violation of any of said rules, regulations, conditions, or restrictions; and whenever the said water commissioners shall have caused the water to be stopped off from any premises, for either of the causes aforesaid, they shall not permit the same to be restored until the applicant for such restoration shall have paid all arrearages of water rent, together with the expense incurred in stopping off the water; or in case said water shall have been stopped off by reason of any violation of the rules aforesaid, then they shall not permit the same to be restored until the expense of stopping off the same shall have been paid by the applicant for such restoration, and such applicant shall have given satisfactory security or assurance that such violation shall not again occur.

Water rents,
how collect-
ed.

9. *And be it enacted*, That the rents for the use of the water which said water commissioners may supply as aforesaid, shall draw interest from the time they become due, and shall be and remain, until paid, a lien upon the premises to which the same may be conducted and supplied; and said water commissioners shall have similar remedies for the collection of said rents, with interest and costs, as the common council of said city have by law for collecting the expense of paving sidewalks in front of lots in said city; which remedies it shall be the duty of said water commissioners to enforce in all cases where the water rents shall be more than two years in arrear.

Commission-
ers may em-
ploy agents.

10. *And be it enacted*, That the said water commissioners shall have power to employ proper persons in the management of the works aforesaid, and in the collection of the said water rents, upon such terms as they may deem reasonable; *provided*, that no regular salaries or commissions shall be allowed or paid by said water commissioners without having been first by them submitted to, and approved of by the common council of said city.

Proviso.

Fire plugs to
be erected.

11. *And be it enacted*, That it shall be the duty of said water commissioners to erect fire plugs in the public

streets of said city, through which pipes for the supply of water shall have been laid, in such number and locations as the common council of said city may from time to time direct, and to supply the same with water from the aforesaid works.

12. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever whereby the said works, or any pipes, conduit, canal, plug, cock, tank, cistern, reservoir, or any other thing appertaining to the same shall be stopped, obstructed, or injured, the person or persons so offending shall, upon conviction thereof before the mayor, recorder, or either of the aldermen of said city, forfeit and pay the sum of fifty dollars, with cost; which sum shall be collected in the same manner as is provided in the charter of the city of Trenton for the collection of fines, and shall be paid over to said water commissioners.

Penalty for
injuring
works.

13. *And be it enacted*, That if any person or persons shall wilfully pollute or adulterate the waters in any reservoir erected under the provisions of this act, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

Penalty for
polluting or
adulterating
water.

14. *And be it enacted*, That it shall be the duty of the mayor of said city, from time to time, at the request of the said water commissioners, to issue the bonds of said city, for an amount not exceeding in the whole the sum of eighty thousand dollars. These bonds shall bear a rate of interest not exceeding six per cent. per annum, payable semi-annually, the principal thereof to be payable on the first day of July, in the year eighteen hundred and eighty-two, or sooner, at the option of the said city. It shall be the duty of the treasurer of said city to make sale of the bonds so issued as aforesaid, at not less than their par value, and to pay the proceeds of said sales to said water commissioners, to be by them appropriated to the discharge of the duties imposed upon them by this act. The loan hereby authorized shall be called the water loan of said city.

Mayor au-
thorized to
issue bonds.

Bonds not
taxable.

15. *And be it enacted*, That the bonds issued under the provisions of this act shall not be liable to any tax which may hereafter be levied by order of the common council of said city.

Revenue,
how appro-
priated.

16. *And be it enacted*, That all the revenues which may be derived from the rents of water authorized by this act, and from other sources connected with said works, shall be received by said water commissioners; and so much of the same as may be necessary shall be appropriated by them, under the restrictions herein before provided, to the maintenance, preservation, and extension of said works: the said water commissioners shall also pay semi-annually, from said revenue, such sums to the city treasurer as shall be sufficient to pay the semi-annual interest accruing on the bonds authorized by this act; the residue of said revenues shall be paid over semi-annually by the water commissioners to the commissioner of the sinking fund of said city, to be by him invested, and with the accumulation thereof reinvested, for the final extinguishment of said water loan.

Annual state-
ment to be
made.

17. *And be it enacted*, That in the month of May, in each and every year, it shall be the duty of said water commissioners to certify to the common council of said city what, in their opinion, will be the net revenue of the said works for the ensuing year, applicable to the payment of the semi-annual interest on said water loan; and it shall thereupon be the duty of said common council to add to the amount of taxes for that year such sum as, having due regard to said estimate, said common council may deem sufficient, together with the net revenue of said works, to pay the semi-annual interest on said water loan.

Treasurer of
city to pay
certain sums
of money to
commission-
ers.

18. *And be it enacted*, That after said work shall have been so far completed as to supply water to consumers, and until the revenues of said work shall be sufficient, after payment of expense and interest, to enable said water commissioners to pay over to the commissioner of the sinking fund of said city the sum of one thousand dollars per annum for investment as aforesaid, it shall be the duty of the treasurer of said city to pay over to the commissioner of the sinking fund, on the first day of October, in each year,

such sum as, together with the sum said water commissioners may pay, or may have paid, during said year to the said commissioner of the sinking fund, will amount to the sum of one thousand dollars. This sum said commissioner of the sinking fund shall invest for the redemption of the water loan, as is herein before provided.

19. *And be it enacted*, That it shall be the duty of said water commissioners to keep all funds which may come to their hands on deposit with one or more of the banks located in said city; and they shall draw said funds by checks upon said bank or banks, to be signed by at least two of their number, which said checks shall specify briefly the purposes for which the same are drawn: and the said water commissioners shall keep accurate accounts of their receipts and disbursements in proper books, to be provided by them for the purpose, and which shall always be open for the inspection of the common council of said city and their authorized agents; and which accounts shall be annually, in the month of March, audited by a committee of said common council, and a short abstract thereof shall be published with the annual statement of the city finances. Every water commissioner, at the expiration of his term of office, shall deliver to his co-commissioners all books and papers which he may have in his possession or custody by virtue of his said office; and all books and papers of said water commissioners, which are no longer currently needed by them, shall be deposited with the clerk of said city, who is hereby required to keep them safely in his office, but with liberty to said water commissioners at all times to examine the same in said clerk's office.

20. *And be it enacted*, That nothing in this act contained shall be construed to authorize the said water commissioners to invade or infringe the legal rights of the president and directors of the Trenton water works.

21. *And be it enacted*, That the said water commissioners are hereby authorized, if they can agree with the president and directors of the Trenton water works, and the terms of such agreement having been first submitted to and approved of by the said common council, to purchase the capital stock and real and personal estate of said com-

pany; and the said president and directors of the Trenton water works are hereby authorized and empowered, with the consent of a majority of the stockholders thereof, to enter into and perform such agreements and sale; and upon completion of such purchase, the real and personal estate of said company shall vest in the inhabitants of the city of Trenton; and the privileges granted by the act incorporating said company, so far as the same are applicable to the purposes of this act, shall be exercised by said water commissioners.

Election for
water loan.

22. *And be it enacted*, That an election by ballot shall be held on the first Monday in March next, in each of the wards of said city, at the places of holding the last election in said city, at which election the electors of said city shall vote upon the question of raising the water loan authorized by this act, those in favor of raising said loan depositing ballots endorsed "For water loan," and those opposed thereto depositing ballots endorsed "Against water loan;" the poll of such election shall be opened at nine o'clock in the forenoon, and shall be kept open till four o'clock in the afternoon, and the election officers of the several wards shall conduct such election; and in case of vacancy, from any cause, such vacancy shall be filled by the electors of the ward in which the same may arise, before the opening of the poll; after counting off the votes polled, the result of said election, in each ward, shall be certified by the election officers in each ward, to the common council of said city; and if it shall appear that a majority of the electors of said city voting at such election have voted for the said water loan, then this act shall be deemed to take effect immediately, but if otherwise, then this act shall be void.

Approved February 11, 1852.

CHAPTER IV.

AN ACT to incorporate the Payonia Land Association.

WHEREAS it is represented to the legislature that Edmund Preamble,

Morris, Clayton Allen, David R. Maddock, Thomas Craven, William English, T. Esmonde Harper, Charles C. French, Eliashib Tracy, William M. Baird, Francis Dubosq, Henry Tunison, Charles Tracy, William Harper, jun., George Rockenbery, John Stewart, Robert Golder, Samuel Powell, Henry Young, Lewis A. Godey, John Whiteman, Robert M. Foust, Samuel Tiller, Philip L. Dubosq, Daniel J. McClean, William Tracy, John C. Paynter, Andrew Fœring, Mercer Jones, William H. Gray, George Morrison Coats, John Dainty, Franklin Eyre, Joseph R. Wilkins, Franklin Ashby, Robert J. Hemphill, Ferdinand Hadder, Randolph Peters, Henry C. Young, William Hannings, Thomas F. Goodwin, William H. Richards, Mary H. Harper, James Irwin, William J. Gilbert, William Taylor, Charles L. Pascall, James Sullender, Robert F. Maule, Robert G. Simpson, George W. Pyle, Charles E. Thompson, William G. Farr, Henry Harper, Stephen T. Beale, John F. Hutchinson, George W. Porter, William G. Crossman, and William H. Smith are the owners of a tract of land, containing about eighty acres, situate on the river Delaware, in the township of Delaware, in the county of Camden, and state of New Jersey, and have laid out the same into building lots and streets, with the view of erecting a town, to be called "Payonia," and they intend to improve the said tract of land, and erect buildings thereon, and sell building lots to all who are disposed to purchase in said town. And whereas it is indispensable that no obstacle should exist to the making of good and sufficient titles for said lots, by reason of death or other causes affecting the individuals now owning said land—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Names of
of the State of New Jersey, That Edmund Morris, Clayton corporators,
 Allen, David R. Maddock, Thomas Craven, William En-

glish, T. Esmonde Harper, Charles C. French, Eliashib Tracy, William M. Baird, Francis Dubosq, Henry Tunison, Charles Tracy, William Harper, jun., George Rockenbery, John Stewart, Robert Golder, Samuel Powell, Henry Young, Lewis A. Godey, John Whiteman, Robert M. Foust, Samuel Tiller, Philip L. Dubosq, Daniel J. McClean, William Tracy, John C. Paynter, Andrew Føring, George Morrison Coats, Mercer Jones, William H. Gray, John Dainty, Franklin Eyre, Joseph R. Wilkins, Franklin Ashby, Robert J. Hemphill, Ferdinand Hadder, Randolph Peters, Henry C. Young, William Hannings, Thomas F. Goodwin, William H. Richards, Mary H. Harper, James Irwin, William J. Gilbert, William Taylor, Charles L. Pascall, James Sullender, Robert F. Maule, Robert G. Simpson, George W. Pyle, Charles E. Thompson, William G. Farr, Henry Harper, Stephen T. Beale, John F. Hutchinson, George W. Porter, William H. Smith, and William G. Crossman, and their successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "the Pavonia Land Association."

Annual election of directors.

2. *And be it enacted*, That the stockholders of said company shall meet annually, on the first Monday in June, at Pavonia, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in the county of Camden, and shall then and there proceed to elect, by ballot, nine directors, to serve for the term of one year and until others are chosen in their places; and said election shall be made by such stockholders of said company as shall attend for that purpose, either in person or by proxy, each stockholder to be entitled to one vote; the directors so chosen shall elect one of their number to be president of the board of directors of said company; and in case of vacancy or absence, the office shall be filled by such person or persons as the remainder of the directors, or a majority of them, may appoint. If an election shall not be held at the time so appointed, the said corporation for that cause shall not be considered as dissolved, but said election may take place at any future time, upon due notice, as aforesaid, being given.

3. *And be it enacted*, That the stockholders may meet,

at any time after the passage of this act, at the city of Camden, (due notice in writing of the time and place having been previously given to each stockholder) for the purpose of organizing said company, and of electing nine directors, to hold their office until the annual meeting on the first Monday of June next, or until others shall be chosen in their places.

4. *And be it enacted*, That so soon as the said company shall be organized, Benjamin W. Cooper, who now holds the same in trust for the owners, shall convey to the said company, by their corporate name, the said tract of land and premises as aforesaid; and the said company are hereby authorized to purchase and hold such lands adjoining the above described premises, which, by forming angles and projections into their plot, mar the regularity and beauty of the whole, provided the lands to be purchased shall not exceed thirty acres in the whole.

Election of
first direct-
ors.

Tract of land
to be convey-
ed to com-
pany.

5. *And be it enacted*, That the said company are authorized to improve the above described premises, and any other lands hereby authorized to be purchased, by laying out the same in lots, streets, squares, blocks, lanes, alleys, or other divisions, or levelling, raising, and grading streets; and they shall have liberty to fill up, occupy, possess, and enjoy all lands covered with water, fronting and adjoining the premises, that may now be owned or may hereafter be purchased by them, and may construct thereon wharves, harbors, slips, piers for ships, or other structures necessary for commercial or shipping purposes, in accordance with and subject to the restrictions and liabilities contained in the act entitled, "An act to authorize the owners of lands upon tide waters to build wharves in front of the same," approved March the eighteenth, one thousand eight hundred and fifty-one; *provided however*, that nothing in this act be so construed as to alter, change, or interfere with any grave yard or burial ground within the boundary herein specified.

Company
may con-
struct piers,
wharves, &c.

6. *And be it enacted*, That the directors shall have full power to make by-laws and appoint such officers and agents as they shall deem expedient for the well conducting and transacting the business of the company, to declare and provide for the payment of dividends to the stockholders,

Directors to
make by-
laws, &c.

and in general to superintend the business and concerns of the company, provided such by-laws shall not be repugnant to the constitution and laws of this state or the United States.

Amount of
capital stock.

7. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with liberty to the said company to increase the same to one hundred thousand dollars, and shall be divided into shares of five hundred dollars each; and such shares shall be deemed personal property, transferable only on the books of the company, in such manner as the by-laws shall direct.

Limitation.

8. *And be it enacted*, That this act shall not continue in force longer than twenty years; and if all of said real estate shall be sold and disposed of before that time, then said act shall immediately cease; and the legislature may alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved February 11, 1852.

CHAPTER V.

Supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

Clerks au-
thorized to
take official
oaths.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the clerks of any township or ward in this state, shall have power to take the official oath or affirmation of any township or ward officer, duly elected or appointed in their respective districts, now required to be taken and subscribed before some justice of the peace; and shall give the like certificate thereof, and deliver the same to such officer as is required

by law, which shall have the like effect as if taken before and made by such justice, and that without fee or reward.

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

Approved February 11, 1852.

CHAPTER VI.

Supplement to an act entitled, "An act to incorporate the Pavonia Ferry Company," passed February twenty-eighth, eighteen hundred and forty-nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Pavonia Ferry Company," passed February twenty-eighth, eighteen hundred and forty-nine, be so altered or amended that the period for the payment of ten thousand dollars on the capital stock of said company be extended two years from the time now limited for its payment by the fourth section of said act.

Approved February 11, 1852.

CHAPTER VII.

A further supplement to an act entitled, "An act to incorporate the Paterson Gas Light Company," passed the ninth day of December, eighteen hundred and twenty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the president and directors of the Paterson Gas Light Com-

pany to enlarge their capital stock, by adding to the sums heretofore authorized, the sum of one hundred thousand dollars, to be subscribed in such manner, and at such time or times, as they may deem expedient and proper.

President
and direct-
ors author-
ized to call
in payment.

2. *And be it enacted*, That the said president and directors shall have the same power and authority to call in and enforce the payment from the subscribers of the additional capital stock hereby authorized, as is contained in the act to which this is a further supplement.

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

Approved February 11, 1852.

CHAPTER VIII.

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.

Cattle, &c.,
running at
large may be
impounded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the townships of Hackensack and Harrington, in the county of Bergen, to drive or convey to any public pound, which may be in the townships aforesaid, respectively, any horses, cattle, sheep, or swine found running at large in the public highways or otherwise, within the bounds aforesaid, and impound the same; and the keeper or keepers of the public pounds in said townships, respectively, is or are hereby required and authorized to receive such horses, cattle, sheep, and swine; and the party (or the poundkeeper, if the duty be performed by him,) shall have twelve cents per head for impounding each horse or cattle, five cents per head for each sheep, and twenty-five cents per head for each swine; and the keeper shall also have twelve cents per head for every horse or cattle, five cents for every sheep, and twenty-

Fees for im-
pounding.

five cents for every swine, for letting in and out of the pound; and for feeding and attending, eight cents per head for horses and cattle, three cents per head for sheep, and five cents per head for swine, for every twenty-four hours they shall continue in said pound; and if the owner or owners of said horses, cattle, sheep, or swine, so impounded, shall not pay the charges of impounding and keeping, within four days after such beasts shall be impounded, and take the same away, it shall then be the duty of the poundkeeper to set up advertisements in five of the most public places in said townships, respectively, describing such horses, cattle, sheep, or swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, cattle, sheep, or swine do not appear and redeem the said beasts before the time so notified, the said poundkeeper shall sell the same accordingly, and out of the money arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping, and feeding said horses, cattle, sheep, or swine, and twenty-five cents for advertising, sale, and collecting the money for each horse, cattle, or swine, and ten cents for each sheep, and return the overplus to the owner or owners of the beasts, if they shall appear to claim the same; and if no owner or owners shall appear and claim such surplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the township wherein such beasts were found running at large as aforesaid; *provided*, Cattle, &c., may be sold. Proviso. that so much of the township of Hackensack as is situated in the vicinity of Fort Lee, that is to say, within two miles of the Fort Lee ferry, shall not be subject to the provisions of this law, but shall be and remain exempt from the same.

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

Approved February 12, 1852.

CHAPTER IX.

A supplement to an act entitled, "An act to incorporate the New Jersey Exploring and Mining Company," approved February fifteenth, one thousand eight hundred and forty-nine.

Preamble. WHEREAS it has been thought expedient by parties owning certain zinc mines in the county of Sussex, state of New Jersey, for the purpose of more economically working and developing the same, to place such mines under the management of one corporation; and whereas an arrangement by and between the New Jersey Exploring and Mining Company and the Sussex Zinc and Copper Mining and Manufacturing Company is contemplated—in accordance with such views,

Name of corporation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Exploring and Mining Company shall hereafter be known, in fact and in name, by the name of "the New Jersey Zinc Company," and by that name shall hereafter be a body politic and corporate, and shall possess and exercise all the corporate powers and franchises, and be subject to all the liabilities and restrictions, of the said New Jersey Exploring and Mining Company.

Company authorized to purchase mineral rights. 2. *And be it enacted*, That the New Jersey Zinc Company is hereby authorized to purchase and receive, and the Sussex Zinc and Copper Mining and Manufacturing Company is hereby authorized to transfer, all the mines and mineral rights, or any portion thereof, now held and owned by the said Sussex Zinc and Copper Mining and Manufacturing Company, upon such terms as the two companies may agree upon; and the capital stock of the New Jersey Zinc Company may be increased, and its stock issued for the purchase of mines and mineral rights, to the amount heretofore authorized by the charters of the said companies.

Classification of directors. 3. *And be it enacted*, That the directors of the New Jersey Zinc Company may be increased to twelve, and shall divide themselves by lot, within three months after

the first election under this act, into four classes: those of the first class shall hold their offices for four years, those of the second class for three years, those of the third class for two years, and those of the fourth class for one year, from the day of said election; every election for directors thereafter shall be for one class of directors, to hold their offices for four years, and shall be held on the first Tuesday of November in each year.

Approved February 12, 1852.

CHAPTER X.

AN ACT to incorporate the Congress Hall Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of
of the State of New Jersey, That Humphrey Hughes, Joseph Ware, Edmund L. B. Wales, Richard R. Thompson, John Odenheimer, Edward C. Knight, Jonas Miller, Charles F. Page, Samuel Branson, Thompson Newkirk, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors are hereby made and declared to be, a corporation and body politic, in fact and in law, by the name of "the Congress Hall Hotel Company;" and by Style of incorporation.
 that name shall have power to lease, or to purchase and hold real estate in the city of Cape Island, in this state, in any place between Perry street and Congress street in said city, and to erect thereon a hotel or summer house for public resort, and to make such other improvements thereon, and transact all such business as may necessarily appertain to the erecting, constructing, furnishing, conducting, and leasing, or otherwise disposing of said buildings and improvements.
2. *And be it enacted,* That the said corporation shall Amount of capital stock,
 have power to raise by subscription a capital stock of one

hundred thousand dollars, with liberty to increase the same hereafter, as aforesaid, whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding two hundred thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of five hundred dollars each, and shall be transferable in such manner as the by-laws of the said corporation shall direct; and each share of the said capital stock shall entitle the bona fide owner thereof to one vote at all elections for directors and other officers, and in all the meetings of the stockholders for business, or making by-laws for the said corporation; which vote may be given in person or by proxy.

When corporation to commence business.

4. *And be it enacted*, That the said corporation shall not go into operation until one hundred shares are subscribed, and the commissioners herein after named, or some of them, shall have received in money from each subscriber, at the time of subscribing, a bona fide payment of one hundred dollars on each share subscribed for, and an affidavit thereof be made by at least two of the said commissioners, and filed of record in the office of the clerk of the county of Cape May; which money, so subscribed and paid, shall be transferred as is herein after directed.

Commissioners to open books of subscription.

5. *And be it enacted*, That John Odenheimer, Edward C. Knight, Samuel Branson, Joseph Ware, and Waters B. Miller be, and they are hereby appointed commissioners; which said commissioners, or a majority of them, may, forthwith after the passage of this act, open books, and take subscriptions, and receive money for said capital stock of the said corporation, in such manner and at such place as they shall deem expedient; and so soon as one hundred shares are subscribed, and ten thousand dollars actually paid thereon, the said commissioners, or a majority of them, shall convene the stockholders of the said corporation, giving at least two weeks' notice in writing to each stockholder, which notice shall specify the time, place, and object of such meeting; and the said stockholders, or a majority of them, pursuant to such notice, shall proceed to elect such directors and other officers, and make such by-laws, as they may deem necessary for conducting the busi-

ness of said corporation ; and the said commissioners shall thereupon transfer all moneys and subscriptions, so taken and received by them as aforesaid, together with the books, to such officer or officers of the said corporation as the directors elected as aforesaid shall direct ; and the said commissioners shall thereupon be discharged, and their power to act in the premises cease.

6. *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 the debts and liabilities of said corporation are fully paid, and the business of the said corporation closed up. Capital stock not to be withdrawn.

7. *And be it enacted*, That the directors shall be elected from among the stockholders, 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. Directors.

8. *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 actually subscribed for and paid in ; and in case of any excess, the directors under whose administration the same shall happen shall be jointly and severally liable to the extent of such excess. Debts not to exceed amt of capital.

9. *And be it enacted*, That annually, in the month of September, the directors of said corporation shall submit to the stockholders of said corporation a written statement of the capital stock paid in, the amount of all debts existing against said corporation, specifying to whom such debts are owed, and the receipts and the credits of said corporation, which statement shall be verified by the affidavit of the directors ; and no dividend shall be declared or paid to the stockholders, except only from and out of the surplus profits arising from the business of the said corporation. Annual statement to be made.

10. *And be it enacted*, That this act shall take effect immediately, and shall be and continue in full force for the term of twenty years, unless sooner repealed ; and the said corporation shall have all the powers and privileges, and be subject to the restrictions and limitations and conditions Limitations and restrictions.

specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Approved February 12, 1852.

CHAPTER XI.

AN ACT to authorize the chosen freeholders of the county of Monmouth to build a bridge over Compton's creek, near the dock of the Compton's Creek Company.

Freeholders
authorized
to build
bridge.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the chosen freeholders of the county of Monmouth, if in their opinion the public convenience shall require it, to erect, or cause to be erected, a good and convenient bridge, with a draw of sufficient width for such vessels to pass as can navigate said creek, over the stream known as Compton's creek, in the township of Middletown, in the county of Monmouth, near the dock of the Compton's Creek Company, to connect the two parts of the road leading to the steamboat dock, now in course of erection at the mouth of said creek.

Approved February 12, 1852.

CHAPTER XII.

A further supplement to an act entitled, "An act securing to mechanics and others payment for their labor and materials, in erecting any house or other building within the limits therein mentioned," approved April fifteenth, one thousand eight hundred and forty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to issue a writ or writs of scire facias, upon a lien or liens filed in pursuance of the act of which this is a supplement, either out of the inferior court of common pleas or out of the circuit court of the county in which such lien may heretofore have been filed, or shall hereafter be filed as aforesaid. Scire facias may be issued on liens.

2. *And be it enacted*, That the act entitled, "An act securing to mechanics and others payment for their labor and materials, in erecting any house or other building within the limits therein mentioned" (commonly known as the Camden lien law), passed February twenty-fifth, eighteen hundred and twenty, and the several supplements to the said last mentioned act, be hereby repealed; *provided however always*, that the repeal of the said several acts shall not affect any act done or any proceeding or suit had or commenced under or by virtue of the said several acts, or either or any of them, hereby repealed, previous to the time when such repeal shall take effect; but all such acts and proceedings shall be and remain as if the said acts had remained in force. Former acts repealed. Proviso.

3. *And be it enacted*, That the first section of this act shall go into effect immediately.

Approved February 12, 1852.

CHAPTER XIII.

A further supplement to the act entitled, "An act relative to juries and verdicts," approved April seventeenth, eighteen hundred and forty-six.

Peremptory
challenges.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the trial of any indictment, the attorney general or prosecutor of the pleas of the state shall be entitled to challenge peremptorily three of the panel of jurors summoned and returned by the sheriff or other officer; *provided*, that this act shall not apply to cases of struck juries.

Proviso.

Approved February 12, 1852.

CHAPTER XIV.

A supplement to an act entitled, "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six.

Independent
brigade estab-
lished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the militia in the city of Newark and in the township of Elizabeth, in the county of Essex, shall be set off from the Essex brigade, as now existing by law, and shall form a separate brigade, and be called "the Independent Essex Brigade," and shall be attached to the second division of the militia of this state.

Officers of
brigade.

2. *And be it enacted*, That to the brigade so set off by this act, there shall be one brigadier general, with one brigade inspector, to serve also as brigade major, with the rank of major, and one aid-de-camp, to be taken from the line, and one brigade judge advocate, one brigade paymaster, one brigade quartermaster; and such officers shall have

the same powers, and perform the same duties, as like officers in other brigades of the militia of this state.

3. *And be it enacted*, That there shall be a brigade board ^{Brigade board.} of the brigade so set off by this act, composed of the brigadier general, brigade major, and commandants of regiments and independent battalions of the said brigade, and a majority of them shall be necessary to form a board; and such board shall meet, and have the same powers, and perform the same duties, as like boards in the other brigades of the militia of this state.

4. *And be it enacted*, That the present brigade officers ^{Rank of present officers of Essex brigade.} of the Essex brigade shall continue to hold and exercise the several ranks and commissions which they now respectively hold, notwithstanding they, or any of them, may not reside within the bounds of the same.

5. *And be it enacted*, That the present officers of the militia in the said city of Newark and the said township of Elizabeth shall continue to hold and exercise, in the brigade set off by this act, the several ranks and commissions which they now respectively hold, subject to the power of the brigade board to make alterations and arrangements in the regiments, battalions, and companies within the bounds of the same, as authorized by law. ^{Officers in Newark and Elizabeth.}

6. *And be it enacted*, That the brigade board of the brigade set off by this act shall have authority, in their discretion, to attach each of the several uniform companies ^{Arrangement of uniform companies in brigade.} within the bounds of the brigade to such regiment and battalion as they may see fit, within the bounds of the city or township in which a majority of such company shall reside, without reference to the bounds of the regiments or battalions; and that the several regiments, battalions, and companies shall, in all cases when parading or on service, be posted according to the ranks of their respective commanding officers on such parade, to be determined by the dates of their respective commissions.

7. *And be it enacted*, That it shall be the duty of the major general of the second division of the militia of this state to hold an election for a brigadier general of the brigade set off by this act, within two months after the passage hereof, of the time and place of which he shall give ^{Election for brigadier general.}

the same notice as in case of a vacancy in such office; and he shall attend and preside at such election; the result shall be certified, and the person elected shall receive his commission, in all respects, as in cases of a vacancy in such office.

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

Approved February 12, 1852.

CHAPTER XV.

AN ACT to incorporate the Newton Presbyterian Academy.

Preamble. WHEREAS David Ryerson, Daniel Griggs, James R. Hull, George H. Nelden, Robert Hamilton, Edward C. Moore, Jonathan F. Shafer, David Thompson, Martin Ryerson, Thomas Ryerson, Whitfield S. Johnson, Charles M. Halsted, and divers other citizens of Newton, in the county of Sussex and its vicinity, and elsewhere, have associated themselves together for the purpose of endowing and sustaining a seminary of learning at Newton aforesaid, and for that purpose have subscribed various sums of money, under certain conditions and terms contained in their subscription, bearing date July nineteenth, eighteen hundred and forty-nine, and have organized themselves as a corporation under the laws of this state for the promotion of learning; and whereas more legislation is necessary to insure a regular succession, and the accomplishment of their laudable undertaking—therefore,

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Ryerson, Daniel Griggs, William M. Iliff, James R. Hull, Edward C. Moore, Jonathan F. Shafer, David Thompson, Daniel Haines, John H. Nelden, Martin Ryerson, Whitfield S. Johnson, Thaniel B. Condit, William C. McGee, Phineas B. Kennedy, Ephraim Marsh, and their successors, be, and they are

hereby constituted a body politic and corporate, by the name of "the Trustees of the Presbyterian Academy at Newton;" and by that name shall have perpetual succession, may sue and be sued, implead and be impleaded, may purchase and hold property, real, personal, and mixed, whether acquired by purchase, gift, or devise, and may make and have a corporate seal, and the same may alter at pleasure, and shall have all other rights belonging to similar corporations by the laws of this state.

2. *And be it enacted*, That the object of said association Objects of association. is hereby declared to be the advancement of education, in accordance with the design and terms of the original subscription referred to in the preamble of this act.

3. *And be it enacted*, That the entire management of Trustees to manage affairs of corporation. the affairs of said corporation, and all the corporate powers hereby granted, shall be, and hereby are vested in a board of fifteen trustees, a majority of whom shall reside within five miles of the village of Newton aforesaid; and a majority of them shall constitute a quorum for the transaction of any business of the corporation; the persons named in the first section of this act shall be the first trustees.

4. *And be it enacted*, That the board of trustees shall Powers and duties of trustees. hold their first meeting at the call of any five of the trustees above named, and shall have power, from time to time, to enact by-laws, not repugnant to the constitution or laws of this state or of the United States, or to this act, for the management of said corporation, to fill up vacancies in their board, and to prescribe the number and description, the duties and powers, of their officers, the manner of their appointment, and the term of their office; and special meetings of the trustees may be called by the president of the board, or any five of the trustees, upon ten days' notice, in writing, of the time and place being given or sent to each of the trustees.

5. *And be it enacted*, That, for the purpose of carrying Corporation may hold real estate. out the object of this act, the said corporation shall have power, from time to time, to purchase, take, and hold real and personal estate, to sell, lease, and dispose of the same; *provided*, the value thereof shall not exceed twenty-five Proviso. thousand dollars.

Approved February 12, 1852.

CHAPTER XVI.

AN ACT explanatory of an act, approved March fourteenth, eighteen hundred and fifty-one, and entitled, "A supplement to an act entitled, an act respecting executions, and regulating the sale of personal estate by virtue thereof," approved April sixteenth, eighteen hundred and forty-six.

Preamble. WHEREAS doubts have arisen as to the true construction of the act of which this is explanatory, in respect to the kind of goods and chattels intended to be exempt from seizure by virtue of executions or other civil process—therefore, in order to remove said doubts,

Construction
of act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act shall be construed so as to include within its provisions goods and chattels of every kind, not exceeding in value, exclusive of wearing apparel, the sum of two hundred dollars.

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

Approved February 13, 1852.

CHAPTER XVII.

A supplement to an act entitled, "An act to incorporate the Newark Plank Road and Ferry Company," approved February the twenty-fourth, eighteen hundred and forty-nine.

Company
authorized
to build a
bridge over
Hackensack
river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Newark Plank Road and Ferry Company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to build and construct a bridge across the Hackensack river, upon the line of the said plank road, to be made pursuant to the act of which this is a supplement.

2. *And be it enacted*, That the said bridge across the Hackensack river shall be built with a draw that shall open at least forty-five feet in width, for the free passage of such vessels as shall pass up and down said river; and the said draw shall be constructed with piles and piers on each side, as near as may be where the channel of said river runs; and, for the safety of navigators, a light shall be kept and maintained at said draw during every night; and the said company shall keep, or cause to be kept, at the said bridge, a careful person, to open the said draw for the free passage of vessels; and for every wilful neglect in opening said draw, when necessary for the passage of such vessels, the said company shall forfeit the sum of twenty-five dollars, to be recovered by action of debt, before any court of competent jurisdiction, and shall also be liable to an action for damages at the suit of the party aggrieved.

Description
of bridge.

3. *And be it enacted*, That nothing contained in this supplement shall be so construed as to impair, in any manner, any reversionary interest or vested right which the state, or any incorporated company or companies, or any individual, may possess, in virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three.

Rights of
other incor-
porated com-
panies, &c.,
not to be im-
paired.

4. *And be it enacted*, That it shall not be lawful to erect the bridge mentioned in the first section of this supplement until the consent thereto in writing of "the Proprietors of the Bridges over the rivers Passaic and Hackensack," under their common seal, shall be filed in the office of the secretary of state of this state; and that the giving of such consent shall not, except as to the said bridge so consented to, be construed, held, or deemed, in any manner, to strengthen or impair any rights or privileges which the said "the Proprietors of the Bridges over the rivers Passaic and Hackensack" may possess, in virtue of an act entitled, "An act for building bridges over the rivers Passaic and Hack-

Consent of
proprietors
of bridges
over rivers
Hackensack
and Passaic
to be obtain-
ed.

ensack, and for other purposes therein mentioned," passed November twenty-fourth, seventeen hundred and ninety, and the contract and agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninety-three, but the same shall be and remain of the same force and effect as if this act had not been passed.

Public act.

5. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall go into effect immediately.

Approved February 13, 1852.

CHAPTER XVIII.

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.

Decoys, &c.,
how placed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person, hunting or gunning after geese, ducks, brant, and for that purpose using stools or decoy geese, ducks, or brant, to place the boat, sneak-box, or other floating vessel in which he lies in wait to kill the said geese, ducks, and brant, at a distance more than three rods from ice, or from marsh, or meadow bank, or heaped sea-weed, or sand-bar not covered with water at ordinary high tide.

Lights not to
be used in
hunting.

2. *And be it enacted*, That it shall not be lawful for any person, with intent to capture or kill geese, ducks, or brant, in and about the waters aforesaid, to hunt after or pursue them with a light at night.

Penalty.

3. *And be it enacted*, That every person offending against the provisions of this act shall, for each offence, forfeit and pay the sum of fifteen dollars, to be sued for and recovered, with costs, in an action of debt before any jus-

tice of the peace in this state, by any person who shall sue for the same.

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

Approved February 14, 1852.

CHAPTER XIX.

AN ACT to incorporate the Good Intent Hose Company of Mount Holly.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That Joseph Gale, James D. Boling, Samuel Carr, George White, Theodore Collins, David W. Carr, and all persons, not exceeding fifty in number, as now are or hereafter shall become associates of the Good Intent Hose Company of Mount Holly, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "the Good Intent Hose Company of Mount Holly."

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

3. *And be it enacted*, That the said company shall have Election of officers. power to elect annually, or oftener if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and, at the expiration of his term

of office, shall deliver it over to his successor; and in their corporate name, may institute suits for the recovery of all fines, debts, and arrearages due the said company.

Limitation.

4. *And be it enacted*, That this act shall continue in force twenty years; and it shall and may be lawful for the Senate and General Assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper.

Approved February 14, 1852.

CHAPTER XX.

AN ACT to dam off Cape Island creek.

Dam in Cape
Island creek
authorized.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Joseph Ware, Ellis Hughes, James McCray, Jeremiah E. McCray, George D. Wetherill, William S. Hansell, or other parties interested, to construct locks on Cape Island creek, at the old Cape Island bridge, and also where the road crosses said creek leading to Mount Vernon, or to dam off said creek at the two points aforesaid, constructing in said dam good and sufficient sluices to let off the back water; *provided*, the same be done under the supervision of the board of freeholders of the county of Cape May, or a committee appointed by said board.

Proviso.

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

Approved February 14, 1852.

CHAPTER XXI.

AN ACT to annex Petty's island to the township of Delaware, in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that certain tract of land and premises, situate in the river Delaware, and known as and called Petty's island, be, and the same is hereby annexed to, and included within the territorial bounds and jurisdiction of the township of Delaware, in the county of Camden. Island annexed to Delaware township.

2. *And be it enacted*, That all that part of the act entitled, "An act to annex the several islands situate in the river Delaware, belonging to this state, to the respective counties and townships to which they lie nearest," passed November twenty-sixth, seventeen hundred and eighty-three, that annexes Petty's island to the township of Newton, be, and the same is hereby repealed. Part of former act repealed.

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

Approved February 14, 1852.

CHAPTER XXII.

A supplement to an act entitled, "An act to enable the townships of Dover, Middletown, and Howell, in the county of Monmouth, to sell and convey certain real estate therein named," passed February sixteenth, eighteen hundred and forty-three.

WHEREAS the farm and out lands mentioned in the act to which this is a supplement, as belonging to the townships of Dover, Middletown, and Howell, is now the property of the townships of Middletown, Raritan, Atlantic, Howell, and Wall, in the county of Monmouth, Preamble.

and of Dover, Brick, and Union, in the county of Ocean; and whereas the people of several of said townships are desirous of disposing of their interest in the same; and whereas it is doubtful whether, by virtue of the act to which this is a supplement, if any of the said townships can sell and convey the interest in said real estate, except to other townships; and whereas the share of some of the townships is so small that the land cannot be divided without great prejudice to the value thereof, even if such application can be made under existing laws, which is doubtful—therefore,

Township
committee
authorized to
sell lands.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township committees of the townships of Howell, Middletown, Raritan, Atlantic, Wall, Dover, Union, and Brick be, and they are hereby authorized and empowered, either jointly, or each township committee for the respective townships severally, to sell and convey the whole or any part of said farm or out lands, now situated in the township of Ocean, in the county of Monmouth, to any person or persons: and all and every deed or deeds made and executed by the township committees of the aforesaid townships, jointly or severally, shall convey to and vest in any and every grantee thereof, all the estate, title, and interest that the township or townships making such sale and conveyance may have at the execution thereof.

Appoint-
ment of com-
missioners.

2. *And be it enacted*, That the township committee of either of said townships is hereby authorized and empowered to apply to any one of the justices of the supreme court of the state of New Jersey, for the appointment of commissioners to sell the real estate belonging to said townships; and upon said application being made in writing, the said justice shall, under his hand and seal, appoint three disinterested persons, not being citizens of either of said townships, whose duty it shall be, after taking an oath or affirmation honestly, faithfully, and impartially to execute the trust and perform the duties and services required by this act, to sell such real estate at public auction, to the highest bidder, upon such notice as is required by the laws of this state regulating the public sales of real estate.

3. *And be it enacted*, That the said commissioners shall, Commissioners to make report of sale. after making such sale or sales, report the same, in writing under their hands, to the said justice of the supreme court, within twenty days from the time of such sale; and if the said justice shall approve thereof, he shall confirm the same, as valid and effectual in law, and shall direct the said report to be recorded in the clerk's office of the county of Monmouth, and order the said commissioners to execute good and sufficient conveyances in the law to the purchaser or purchasers for the tract or tracts of land so sold.

4. *And be it enacted*, That the moneys arising from such sale shall be ordered by the justice to be paid by the Disposition of proceeds of sale. commissioners to the township committees of the townships interested in said real estate, in proportion to their respective rights in the same, deducting from their respective shares the costs and charges which may be allowed and ordered to be retained out of the same, according to their several interests therein.

5. *And be it enacted*, That the said justice shall be allowed, for the services herein required of him, three dollars a day, while employed in said business; and that the Compensation to justice and commissioners. said justice have power to order and determine the fees and compensation of the said commissioners.

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

Approved February 14, 1852.

CHAPTER XXIII.

AN ACT to set off from the township of Harrison, in the county of Hudson, a new township, to be called the township of Union, and to annex the same to the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, Boundaries of township. That all that portion of the township of Harrison, in the county of Hudson, lying within the following boundaries, to wit: beginning on the Essex

county line in the centre of the Belleville turnpike road; thence along the centre of said road to the most westerly branch of Sawmill creek; thence along the middle of said creek to the Hackensack river; thence up said river and along the line of Bergen township, to the centre of the New Barbadoes Toll Bridge Company's road; thence along the centre of said road and along the Lodi township line, to the centre of Passaic river; thence down said river to the place of beginning, shall be, and hereby is set off from the township of Harrison, in the county of Hudson, and made a separate township, to be known by the name of the township of Union, which is hereby annexed to, and shall hereafter form a part of the county of Bergen.

Inhabitants
incorporated

2. *And be it enacted*, That the inhabitants of the township of Union shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of the inhabitants of the township of Union, in the county of Bergen; and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in said county of Bergen are or may be entitled or subject to by the laws of this state.

First town
meeting.

3. *And be it enacted*, That the inhabitants of the township of Union shall hold their first town meeting at the school house in said township of Union, on the day appointed by law for holding the annual town meetings in the other townships in the county of Bergen.

Township
committees
to divide
property.

4. *And be it enacted*, That the town committees of the townships of Harrison and Union shall meet, on the Monday next after the annual town meeting in the said townships, at the house of Frederick Watkins, in the township of Harrison, in the county of Hudson, at ten o'clock in the forenoon, and then and there proceed, by writing signed by a majority of those present, to allot and divide between the said townships all property and money on hand or due, in proportion to the taxable property and ratables, as taxed by the assessors within their respective limits at the last assessment; and shall also ascertain and determine which of the paupers, now supported by the township of Harri-

son, have their residence in that part of the said township hereby set off as the township of Union; and the inhabitants of the township of Union shall be liable to pay their just proportion of the debts, if any there should be, and to support and maintain the paupers so allotted to them; 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 the said division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful Proviso. to adjourn the above meeting to such time and place, within either of said townships, as a majority of those assembled as aforesaid may think proper.

5. *And be it enacted*, That all paupers who may be chargeable to the said township of Harrison at the time this act goes into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they acquired their settlements respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements. Settlement of paupers.

6. *And be it enacted*, That justices and township officers within the limits of the said township of Union, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the county of Hudson, until the second Monday of April next; and from and after the second Monday of April next, and until their respective terms of office in and for the township of Harrison shall expire, all persons in office at the time of passing this act resident in the said township of Union, and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, authority, privileges, duties, liabilities, and emoluments thereto belonging, within the said county of Bergen, as fully and effectively, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Bergen; and all the courts of said county of Hudson shall continue to have and exercise jurisdiction within the limits of the said township of Union, until the second Monday of April next, in the same manner as if this act had not been passed. Present officers to hold and exercise their offices.

Suits, &c.,
commenced
in Hudson
not to be af-
fected.

7. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace, within the present limits of the county of Hudson, before the first Monday in April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county and before said courts in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where in any local action the cause of action arose within said township of Union, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Bergen, and the cause tried therein, as if the said action had originally commenced in the county of Bergen.

Proviso.

Judgments
obtained in
Hudson, how
to be execut-
ed.

8. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Hudson, in any action, suit, or proceeding actually commenced or depending before the second Monday of April next, shall be of the same force and effect, within the said township of Union, as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of the said county of Hudson, who is hereby authorized and directed to execute the same, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments, a writ or writs of scire facias may issue, as allowed by law in other cases directed as aforesaid; and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, in the same manner as if this act had not been passed.

9. *And be it enacted*, That this act shall take effect on the first Monday in April next.

Approved February 19, 1852.

CHAPTER XXIV.

AN ACT to incorporate the Trustees of the West Jersey Academy.

1. *BE IT ENACTED by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That William B. Ewing, Samuel Beach Jones, William Elmer, Lewis McBride, Charles E. Elmer, William G. Nixon, Henry B. Lupton, James Barron Potter, Moses Richman, jun., Lewis Mulford, Enoch Fithian, David P. Elmer, Calvin Belden, Ephraim Buck, Jacob W. Ludlam, Enoch Edmunds, George S. Woodhull, Benjamin Rush Bateman, Joseph Fithian, and John T. Nixon, and their successors, shall be, and they are hereby constituted a body politic and corporate, by the name of "the Trustees of West Jersey Academy."

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

3. *And be it enacted*, That the entire management of Affairs to be managed by trustees.
 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 twenty-one trustees, a majority of whom shall always be citizens and inhabitants of this state and members of the presbyterian church; and one-third of the trustees shall constitute a quorum for the transaction of all business matters connected with the said institution.

4. *And be it enacted*, That the persons named in the first First trustees
 section of this act shall be the first trustees, who shall hold their office until the next stated meeting of the presbytery of West Jersey after the passage of this act, at which time the said presbytery shall appoint trustees; and the said presbytery 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; to fill up vacancies in the board, and to prescribe the number and description, the duties and powers, of the officers, the manner of their appointment, and the term of their office.

5. *And be it enacted*, That, for the purpose of carrying Corporation may hold real estate.
 out the object declared in the second section of this act, the

Proviso.

said corporation shall have power, from time to time, to purchase, take, and hold real and personal estate, and to sell, lease, and dispose of the same; *provided*, the annual value shall not exceed the sum of ten thousand dollars.

Approved February 19, 1852.

CHAPTER XXV.

A supplement to the act entitled, "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

Election of
representa-
tives.

Congressional
districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and fifty-two, and in each second year thereafter, an election shall be held to elect, for the state, five persons to be members of the House of Representatives of the United States, and this state shall, for that purpose, be divided into five districts: the counties of Cape May, Cumberland, Salem, Gloucester, Atlantic, and Camden shall compose one district, to be called "the first district;" the counties of Burlington, Monmouth, Ocean, and Mercer shall compose one district, to be called "the second district;" the counties of Hunterdon, Warren, Somerset, and Middlesex shall compose one district, to be called "the third district;" the counties of Sussex, Morris, Passaic, and Bergen shall compose one district, to be called "the fourth district; the counties of Essex and Hudson shall compose one district, to be called "the fifth district;" each of which districts shall elect one person to represent this state in the House of Representatives of the United States.

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

Approved February 19, 1852.

CHAPTER XXVI.

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

WHEREAS doubts exist as to the right of members of mutual insurance companies to vote by proxy at elections for directors of said companies, under the third section of the act to which this is a supplement—for remedy whereof, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That unless otherwise provided Members entitled to vote by proxy. in their respective charters, at every election held by any mutual life, fire, or marine insurance company in this state, each member shall be entitled to at least one vote, and may vote either in person or by proxy; but no proxy shall be voted on, allowed, or received, for more than three years from its date.

2. *And be it enacted*, That it shall be lawful for the directors of any such company as aforesaid, to designate by their by-laws, the number of votes to which each member shall be entitled at their elections, in proportion to the interest said members shall have in the company. Number of votes to be given.

Approved February 19, 1852.

CHAPTER XXVII.

AN ACT to incorporate the Florence and Freehold Plank or Turnpike Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby

ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Florence and Freehold Plank or Turnpike Road Company," and that Michael Hays, Edward Robbins, William Durell, Daniel W. Bills, Abel Cafferty, John S. Denise, Bennington F. Randolph, John H. Vanderveer, and Charles H. Conover

Style of incorporation.

Commissioners to open books of subscription.

are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places, in the counties of Burlington and Monmouth, 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 two of the newspapers published in said counties.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing it to any sum not exceeding three hundred thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing of said stocks, 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 the company, as soon as one shall be appointed; and that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said board 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 the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

Proviso.

Time and mode of 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 busi-

ness, but any less number may adjourn from time to time; that when four thousand shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books; at which meeting the subscription book shall be laid before the stockholders, who shall thereupon proceed to elect by ballot seven directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, 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 said board; and at every such election, and in 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, in person or by proxy; and that if four thousand shares of stock shall not be subscribed for within two years, and at least four miles of the said road completed within five years, from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That as soon as conveniently may ^{Directors to elect president.} 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 be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board; and in case of his absence, the said board shall ^{Vacancies.} appoint some other from 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 think expedient; and special meetings of the 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, as aforesaid, of the time and place of holding the same, and the object for which such meeting is called.

Special meetings.

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.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike or plank road from Florence to Freehold, in the counties of Burlington and Monmouth, at least thirty-two feet in width, which said turnpike or plank road 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, gravel, plank, or other material, 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 construct, keep in repair, and maintain good and sufficient bridges along the line of said road, not less than twenty-two 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 upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses from running off; *provided*, that no steam power shall be used on said road, nor iron rails or other obstruction to common travel placed thereon: and the said company may, by its officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay for improving said road as aforesaid, doing no unnecessary damage to said land; and it shall be lawful for the said company, at any time, to drive piles and erect or build

Proviso.

piers, wharves, platforms, or other works necessary for a safe and substantial steamboat landing on the Delaware river at Florence; *provided*, that before the said company shall construct the said turnpike or plank road and wharves aforesaid, it shall pay, to the respective owners of the land over which the same may pass or be erected, all damage which the said owners will sustain by reason of the construction of said turnpike or plank road and wharves; and in case the said company and any of the owners cannot agree upon the amount of said damage, then the damage shall be ascertained and determined, as nearly as may be, in the manner herein after provided for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone or gravel from his or her land for the constructing or maintaining of said turnpike or plank road.

7. *And be it enacted*, That in case it should happen that an election of directors shall not be made on the day or at the time when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall be chosen in their place.

Corporation not to be dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and workmen, and other person or persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains, across and through such lands, as may be necessary for properly draining said road, and to take and carry away any stones, gravel, clay, sand, or earth therefrom, suitable for constructing and repairing said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the land and the materials to be taken by the said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except

Proceedings in case owners of land and company cannot agree.

Proviso.

for the purpose of surveying said route, unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land or materials aforesaid shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of the state, or a judge of the court of common pleas of the county where the said lands or materials doth lie, who is disinterested in the premises, upon the application of either party, and at ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested persons of said county commissioners to assess the price or value of such materials as may be required by said company, and all damages to be sustained, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county in which the said land doth lie, to be by him filed as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which appeal shall vest in said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the

Parties aggrieved may appeal.

company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with cost of suit, against said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with cost, if any, the said company may enter upon and remove all such earth, clay, or gravel as has been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners; all which proceedings, as well under this, as the seventeenth section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

9. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike or plank road, or any four continuous miles thereof, according to the direction of this act, and the true intent and meaning thereof, it shall and may be lawful for said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each 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,	five mills.
For every dozen 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,

Proviso.

calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through 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 any mill to which he may usually resort for the grinding of grain for his family use, or horses, carriages, sleigh, or sled carrying persons to or from a funeral, or any person passing to or from a place of religious meeting or to his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to duty by the laws of this state or of the United States.

Mile stones
or posts to
be erected.

10. *And be it enacted*, That before the said company shall receive toll for travelling on said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each mile stone or post shall be legibly and fairly marked the distance the said stone or post is from Florence or Freehold; and shall cause to be fixed and always kept up at the gates or turnpike aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, also a board on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for
injuring
works.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road, for the information of people travelling the same, 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 gate, 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 turnpike, such persons 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 cost of suit; and if any person, with his carriages, teams, or horses, turn out of the said road, to pass a gate or gates on pri-

vate 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 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 cost of suit.

12. *And be it enacted*, That if any tollgatherer 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, he shall for every such offence forfeit and pay the sum of twenty dollars, with cost of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
delaying tra-
vellers.

13. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, of any 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 the said road in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with cost of suit.

Penalty for
obstructing
passage.

14. *And be it enacted*, That if the said company shall not keep the said turnpike, or plank road and bridges erected thereon, in repair, and complaint thereof shall be made in writing, by three responsible persons of the county, to a judge of the court of common pleas of the county wherein the said turnpike bridge is out of repair, who may be disinterested, the said judge shall give notice to the president of the said company, or to the keeper of the nearest gate or turnpike, setting forth the nature of the complaint; and that if the cause of complaint, if any, be not removed, he will on a certain day, not less than five, appoint by writing, under his hand and seal, three respectable persons of the township where the cause of complaint arose, or if it be on the line of any two townships, of either of the said

Proceedings
in case road
or bridges
are not kept
in repair.

townships, which three persons, being disinterested in the 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 judge may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road or bridge so complained of, and report to the said judge in writing, under their hand and seals, or under the hand 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 or bridge, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll from travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit; and the 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 tollgatherer, permit the gates or turnpike 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, 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 persons making the complaint.

Road may
be made free
on payment
of cost, &c.

15. *And be it enacted*, That when the board of chosen freeholders of the counties of Burlington and Monmouth shall desire so to do, they may, by paying to the stockholders the original cost of constructing and improving said road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners of land on which the said turnpike road passes, or from whence the materials for its construction may be taken.

16. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerks of the counties of Burlington and Monmouth, full and perfect statements of the cost of the construction of said road. Statement of cost to be filed.

17. *And be it enacted*, That no part of the road hereby authorized to be located and made shall be laid upon any public highway, until said highway shall be first vacated according to law. Public highway not to be used, unless vacated.

18. *And be it enacted*, That this act shall continue in force thirty years, unless sooner repealed; 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 is applicable. Limitation.

Approved February 19, 1852.

CHAPTER XXVIII.

AN ACT to incorporate the National Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock herein after mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name and style of "the National Insurance Company;" and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name may also have, purchase, possess, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chat- Style of incorporation. General powers.

tels, and effects, of what nature or kind soever, necessary for the purposes of this corporation, and the same to grant, demise, alien, and dispose of at pleasure, for the benefit of the said company; and may also have a common seal, and alter and renew the same at pleasure; and also to create and establish such by-laws and regulations as shall seem necessary and expedient for the government of the said corporation, and to put the same in execution; *provided*, that the same be not contrary to the laws of this state or of the United States.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of fifty dollars each, with privilege to increase the same to two hundred thousand dollars; and that the whole of the capital stock shall be actually paid in before it shall be lawful for said company to commence the business of insurance.

Time and
mode of an-
nual election
of directors.

3. *And be it enacted*, That the business, property, and affairs of the said company shall be managed and conducted by such directors, not less than seven, or more than fifteen in number, as may be elected for that purpose, a majority of whom shall form a quorum, which directors shall hold their offices for one year and until others shall be chosen; and they shall at all times during their continuance in office be stockholders in their own right, and a majority of them shall be citizens of this state; said directors shall be elected on the first Monday in March, in each and every year, at such hour of the day, and at such place in Somerset county, as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in the newspapers printed in Somerville; and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and that the office and records of the company shall be kept in the township of Bridgewater, in the county of Somerset.

Directors to
appoint offi-
cers.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary, treasurer, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow

them, respectively, such compensation for their services as may in their judgment be deemed reasonable.

5. *And be it enacted*, That William G. Steele, Joshua Doughty, and Thomas S. Allison are hereby appointed commissioners to open books for subscription to the capital stock of said company, at Bridgewater, in the county of Somerset, upon three weeks' notice published in the papers printed at Somerville; and, as soon as two thousand shares are subscribed, the said commissioners shall, by like notice, appoint the hour and place for holding the first election for directors.

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

7. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or by such other officer as may be designated for that purpose by the said company, and attested by the secretary; and, being so subscribed and attested, shall be obligatory upon the said company, according to the tenor, intent, and meaning of this act and of such policies or contracts.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate, or securities bona fide mortgaged or pledged to said company, to secure the payment of any debt which may be contracted with them; and also to proceed on said mortgage or other securities, for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment or towards satisfaction of any debt previously contracted with or due to said company, and the said real

estate to mortgage, sell, exchange, or otherwise dispose of; and said company may invest their capital and accumulating premiums, from time to time, in public stocks, bonds, and mortgages, and such other securities as the directors may approve.

Stock trans-
ferable.

9. *And be it enacted*, That the stocks of said company shall be deemed to be personal property, and shall be assignable and transferable according to such rules and regulations as the directors may establish from time to time in the by-laws of said company.

Semi-annual
dividends to
be made.

10. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable among the stockholders, upon such ratio as shall be established by the by-laws; which dividends shall be paid out semi-annually to the parties entitled thereto, or to their legal representatives.

Limitation.

11. *And be it enacted*, That this act shall continue in force twenty years; *provided*, that no contract made by said corporation before the repeal or expiration of this charter shall be affected thereby; and the said corporation shall have a reasonable time to bring its accounts to a final settlement.

Approved February 19, 1852.

CHAPTER XXIX.

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.

Justices of
the peace
authorized
to issue at-
tachment
for sums not
exceeding
\$100.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the forty-ninth section of the act entitled, "An act for the relief of creditors against absconding and absent debtors," approved April sixteenth, eighteen hundred and forty-six, as limits and restricts any justice of the peace from issuing

out of the court for the trial of small causes an attachment for any sum not exceeding fifty dollars, be, and the same is hereby repealed; and any justice of the peace may issue out of the court for the trial of small causes an attachment for any sum not exceeding the sum of one hundred dollars.

2. *And be it enacted*, That any thing in the act to which this is a supplement, or any thing in any supplement thereto; inconsistent with or contrary to the first section of this act, be, and the same is hereby repealed. Part of former act repealed.

Approved February 19, 1852.

CHAPTER XXX.

A supplement to an act entitled, "An act to limit the hours of labor, and to prevent the employment of children in factories under ten years of age."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the word factory, wherever it occurs in the second section of the act to which this is a supplement, shall be construed to mean any building in which labor is employed to fabricate goods, wares, or utensils. Construction of second section of former act.

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

Approved February 19, 1852.

CHAPTER XXXI.

AN ACT to confirm acknowledgments and proofs of deeds and other instruments taken by Benjamin Dye.

Preamble. WHEREAS it appears to the legislature of the state of New Jersey that Benjamin Dye, of the county of Monmouth, was duly appointed one of the commissioners to take acknowledgments and proofs of deeds, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and fifty-one, and was commissioned and sworn into office by virtue of said commission, and did thereafter exercise the office of commissioner as aforesaid; and whereas it appears that there were three commissioners in the same township at that time, whose terms of office have not expired—therefore,

Acknowledgments confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments, taken and certified by the said Benjamin Dye, as commissioner, be, and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by a lawful commissioner.

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

Approved February 19, 1852.

CHAPTER XXXII.

AN ACT to set off from the townships of Medford, Southampton, and Washington, in the county of Burlington, a new township, to be called the township of Shamong.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of Medford, Southampton, and Washington, in

the county of Burlington, contained within the following boundaries, to wit: beginning at the northwest corner of the now township of Washington, and running thence in a straight line to the middle of the Medford and Atsion road, two hundred yards north of Wesley Dixon's house; thence (2) to a point in the junction of the Medford and Red lion roads, near More's house, in the township of Southampton; thence (3) to a forked chesnut oak, about fifty yards in the northward direction from Friendship mill; thence (4) to a point in the middle of the Hampton stream, where it crosses the line between the townships of Southampton and Washington; thence (5) along the last mentioned line till it strikes Shoal branch; thence (6) following the course of the said stream to a point near the Three bridges, where the road from Jones' mill to Martha furnace crosses said stream; thence (7) in a straight line to a point where Deep run intersects Mullicas, or Little Eggharbor river, in the Washington township line; thence (8) up said line to the place of beginning, shall be, and the same is hereby set off from the townships of Medford, Southampton, and Washington, in the county of Burlington, and established as a separate township, to be called and known by the name of "the township of Shamong."

2. *And be it enacted*, That the inhabitants of the township of Shamong shall be, and 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 Shamong, in the county of Burlington," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subjected to by the existing laws of this state. Inhabitants incorporated

3. *And be it enacted*, That the inhabitants of the said township of Shamong shall hold their first annual town meeting at the Union school house, in said township of Shamong, on the second Tuesday of March next, and afterwards at such place as the inhabitants of the said township shall determine, in manner prescribed by law. First town meeting.

4. *And be it enacted*, That the provisions of the law

Inhabitants
to vote by
ballot.

now in force, authorizing and requiring the inhabitants of the township of Washington, in the county of Burlington, to vote by ballot at their annual town meetings, shall apply to and be in force in the township of Shamong, hereby created, except so much thereof as is inconsistent with this act.

Ballot box to
be procured.

5. *And be it enacted*, That William H. Keeler be, and he is hereby required and directed to procure, at the expense of the county, a ballot box for the use of said township.

Township
committees
to divide
property.

6. *And be it enacted*, That the township committees of the townships of Medford, Southampton, Washington, and Shamong shall meet on the first Monday of April next, at ten o'clock in the forenoon, at the hotel now kept by Jesse A. Thomas, in Medford; and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of the said townships at the last assessment; and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the inhabitants of the township of Shamong shall be liable to pay their just proportion of the debts of the said township, if any there be, to be in like manner allotted and divided by the said township committees; and if any of the persons comprising either of the township committees aforesaid shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division; and their decision, or the decision of a majority of them, shall be final and conclusive.

Township
committee
authorized
to sell cer-
tain real es-
tate.

7. *And be it enacted*, That the township committee of the said township of Shamong shall have power, and they are hereby authorized and empowered, to sell and release to the said townships of Medford, Southampton, and Washington, respectively, all the right, share, and interest of the said township of Shamong of, in, and to the real estate now belonging to the said townships, or any or either of them, respectively, or any part thereof, for such sum or sums of

money as may be agreed upon by the committees of the said townships therein interested, and to make and deliver good and sufficient deed or deeds for the same ; and that the township committees of the said townships of Medford, Southampton, and Washington shall, and they and each of them are hereby authorized and empowered to sell and release to the said township of Shamong all the right, share, property, and interest of the said townships of Medford, Southampton, and Washington, and each of them, of, in, and to the real estate now belonging to the said townships respectively, or either of them, or any part thereof, for such sum or sums of money as may be agreed upon by the committees of the said townships therein interested ; or that the township committee of the said township of Shamong, in connection with the township committee of either of the said townships of Medford, Southampton, and Washington, or a majority of them, may sell to private individuals all or any part of the real estate now belonging to either of the said townships of Medford, Southampton, and Washington, respectively, and to make and deliver good and sufficient deed or deeds for the same ; and in case of a sale to individuals, to allot and divide the proceeds of such sale or sales in the manner prescribed in the sixth section of this act.

8. *And be it enacted*, That William R. Braddock, John Crane, and Amos Taylor, or any two of them, shall be, and are hereby appointed commissioners to run, survey, mark, and ascertain the several lines herein before mentioned ; which said commissioners shall, before the second Monday in May next, execute and discharge the duties of their said appointment in the same manner, and in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas in and for the county of Burlington, upon the application of the board of chosen freeholders of the said county, except only that it shall not be necessary for the same commissioners to give notice of the time and place of meeting to perform the duties of their said appointment ; and that the charges and expenses of the said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed

Commissioners to survey and ascertain township lines.

by the court of common pleas upon the application of the board of chosen freeholders.

Right of township to surplus revenue not impaired.

9. *And be it enacted*, That nothing in this act contained shall be construed to impair or in any wise affect the right of the said township of Shamong in and to any portion of the surplus revenue of the general government, to which the said township may now or at any time hereafter be entitled in the distribution of said surplus revenue.

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

Approved February 19, 1852.

CHAPTER XXXIII.

AN ACT to alter the boundary line between Newark and Clinton, in the county of Essex.

Part of city of Newark annexed to Clinton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the farm, known as the Newark poorhouse farm, as lies westwardly of the east side of the old road leading from Newark to Elizabethtown, in the county of Essex, and also any other lands or territory now in the bounds of the city of Newark, adjoining or contiguous to said farm, and situated westwardly of the said east line of the said road, be transferred from the city of Newark, and annexed to the township of Clinton; *provided*, that any pauper who has acquired a settlement within the bounds of that part of the city of Newark, hereby annexed to the township of Clinton, shall be and remain chargeable to the city of Newark.

Proviso.

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

Approved February 19, 1852.

CHAPTER XXXIV.

AN ACT to incorporate the Red Bank Steamboat Company.

1. *BE IT ENACTED by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That Anthony H. Haggerty, John R. Conover, Edmund T. Williams, William Haight, William Applegate, David C. Conover, Pierson Hendrickson, Daniel Conover, Joseph Shepherd, and John McBrair, and all such persons as are now members or partners of an association called and known by the name of the Red Bank Steamboat Company, and their successors, are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Red Bank Steamboat Company," and by that name may have continual succe- General powers.
 sion, may make and have a common seal, and shall have power to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and may have full power, right, and legal authority to purchase, build, hold, occupy, and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as herein after declared.

2. *And be it enacted*, That all the joint stock of the said Joint stock of association transferred to corporation.
 association, and all the estate, real, personal, and mixed, all the securities, claims, and demands, all the records, books, papers, and vouchers, in any wise belonging to said association, shall be transferred to and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing in this section contained shall impair or affect the rights of the creditors of the said association.

3. *And be it enacted*, That the capital stock of the said Amount of capital stock.
 corporation shall not exceed fifty thousand dollars, which shall be divided into shares of five hundred dollars each; the capital stock of the said association is to be taken as a part of the said sum of fifty thousand dollars, and the mem-

bers of the said association are to receive so many shares of the said stock of the said corporation as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steamboats from Red Bank, in the county of Monmouth, to the city of New York and elsewhere, and is to be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, renting, repairing, or building of suitable landings, wharves, and storehouses; 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.

First directors.

4. *And be it enacted*, That John R. Conover, Edwin T. Williams, and Anthony H. Haggerty shall be the directors of the said corporation until the election is held, as is herein after provided; the board of directors for the time being shall have power to elect a president, who shall be a director.

Directors to open books of subscription.

5. *And be it enacted*, That the residue of the capital stock of the said company, or any part thereof not heretofore disposed of, may be disposed of and taken at any time hereafter, whenever the directors, by direction of a majority of the stockholders, shall deem it necessary and proper, who are authorized to open books of subscription for said stock at such time or times and place or places as they, or a majority of them, shall think proper, giving at least fifteen days' notice of the time and place of their meeting; and at the time of subscription, the sum of fifty dollars on each share shall be paid to the directors, and the remainder of such subscriptions shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting fifty dollars on each share for the use of said company; *provided always*, that no instalments shall exceed the sum of one hundred dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least ten days' notice of the time and place

Proviso.

Proviso.

appointed for the payment of each instalment shall be published in one or more newspapers published in the county of Monmouth.

6. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by three directors, a majority of whom shall constitute a quorum, and shall be residents in this state, and shall be chosen annually by ballot by the stockholders, either in person or by proxy; no person to be eligible as a director who shall not be a stockholder in the said company; and in the choice of directors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first election for directors under this charter shall be held at Red Bank, on the first Monday in March next, ten days' notice being first given thereof in a newspaper published in the county of Monmouth; and all future elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

Time and mode of annual election of directors.

7. *And be it enacted*, That at the annual election for directors, the stockholders shall have power to elect a captain or captains, and such other officers and agents as shall be necessary to carry into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon; and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts; and the stockholders of said corporation shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company, as to them shall seem expedient, not inconsistent with the constitution or laws of this state or of the United States.

Stockholders to elect captain and other officers

8. *And be it enacted*, That the president shall preside at all meetings of said corporation, and, if absent, his place shall be supplied for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation

Duties of directors.

of passengers, goods, wares, and merchandise, wagons, carriages, vehicles, horses, cattle, stock of every kind and description, and all kinds of produce or other articles that shall be transported in the boat or boats of the said company or corporation; and the said board of directors shall, from time to time, declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the same over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Corporation
not dissolved
for failure to
elect on day
prescribed.

9. *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 time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote, either in person or by proxy.

Not to en-
gage in bank-
ing.

10. *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 purposes not clearly indicated in this act.

Limitation.

11. *And be it enacted*, That this act shall continue in operation twenty years; and the legislature may at any time hereafter alter, amend, or repeal this act.

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

Approved February 19, 1852.

CHAPTER XXXV.

A supplement to an act entitled, "An act to incorporate the South Branch Mining Company," approved February fourth, eighteen hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the above mentioned company be changed, and that from and after the passage of this act, the said company shall have the same corporate powers and privileges, under the name of "the President and Directors of the Bridgewater Paint Manufacturing Company," as they have had heretofore under the name of "the President and Directors of the South Branch Mining Company;" and the price of each share of the capital stock of the said company shall be reduced to ten dollars, instead of twenty dollars, as provided by the fourth section of the charter of said company.

Name of co. changed.

Price of shares reduced.

2. *And be it enacted*, That the said company be, and is hereby authorized and empowered to lease, purchase, mortgage, and hold mining rights and real estate, in the counties of Warren, Morris, and Sussex, in addition to the county of Somerset, and also to make use of any of their ores, minerals, metals, and earths, taken out of their lands, in the manufacture of paints.

Company may purchase rights in Sussex, Morris, and Warren.

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

Part of former act repealed.

Approved February 20, 1852.

CHAPTER XXXVI.

A supplement to the act entitled, "An act to authorize the establishment of the New Jersey Lunatic Asylum."

Certificate of investigation to be presented to chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when an investigation of a case of lunacy shall be made by one judge and one physician, pursuant to the fifth section of the supplement to the act entitled, "An act to authorize the establishment of the New Jersey Lunatic Asylum," approved March the ninth, eighteen hundred and forty-eight, they shall present their certificate and proceedings to the two chosen freeholders of the township in which the lunatic is found, who shall examine the same; and if satisfied that the said lunatic has a legal settlement in their county, as defined by the act entitled, "An act for the settlement and relief of the poor," approved April the tenth, eighteen hundred and forty-six, and is entitled to the relief afforded by the act to which this is a supplement, and the supplements thereto, shall endorse the word "approved" upon said certificate and proceedings, and shall sign their official names thereto.

Certificate and proceedings to be filed with co. clerk.

2. *And be it enacted*, That said certificate and proceedings, endorsed as aforesaid, shall be filed with the clerk of the county, and authenticated by him, as provided by the twentieth and twenty-first sections of the act to which this is a supplement; and thereupon it shall be the duty of the chosen freeholders of said county to provide for the expenses of the support of said lunatic, and to pay the amount thereof, as soon as practicable, to the treasurer of the asylum.

Proceedings in case of non-approval of freeholders.

3. *And be it enacted*, That if said chosen freeholders shall not approve of sending such lunatics to the asylum at the expense of the county, they shall endorse on said certificate and proceedings the words "not approved," and shall sign their official names thereto, and the same shall then be filed with the clerk of the board of chosen freeholders; and said lunatic shall not be admitted to the asylum at the expense of the county.

4. *And be it enacted*, That if there be by law but one chosen freeholder in any township, or if one of two chosen freeholders be dead or incapable of acting by reason of sickness or otherwise, the same duties herein before required to be performed by two chosen freeholders, may be, and are hereby required to be performed by one chosen freeholder, and his acts in the premises shall have the same validity as the acts of two. One freeholder to act in certain cases.

5. *And be it enacted*, That all acts and parts of acts in conflict with this act are hereby repealed. Part of former act repealed.

Approved February 20, 1852.

CHAPTER XXXVII.

A supplement to an act entitled, "An act to incorporate the Gloucester and Salem Turnpike Company," approved March sixth, eighteen hundred and fifty-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Gloucester and Salem Turnpike Company be, and they are hereby authorized to construct a turnpike road, commencing at the terminus of said Gloucester and Salem turnpike road at Woodstown, on or near the public highway to Allowaystown, in the county of Salem, according to the provisions of the act to which this is a supplement, so far as the same may be applicable. Company authorized to make road from Woodstown to Allowaystown.

2. *And be it enacted*, That, for the better and more speedy accomplishment of said object, William F. Reeve, George Remster, Maskill Ware, William S. Clawson, and Joseph K. Riley, or a majority of them, be, and they are hereby appointed commissioners to procure the necessary additional subscriptions of stock, not to exceed the sum of twenty thousand dollars, to construct said road, and have the same done according to the directions, restrictions, and Commissioners to procure subscriptions.

requirements of the act to which this is a supplement, and according to the grade adopted by the directors of said company.

Election of
directors.

3. *And be it enacted*, That when the said commissioners shall report to the said directors that such extension has been completed according to the provisions of said act and this supplement, to the full extent of the contract between the said directors and the contractors of the original road, it shall be the duty of said board of directors to call a general meeting of the stockholders in the original road, and its extension, giving at least twenty days' notice of the time and place of said meeting, by publishing the same in two or more of the newspapers published in this state ; at which meeting the said stockholders shall elect, in the manner directed by the act to which this is a supplement, nine directors, for the term of one year, to take charge of the entire road from Woodbury to Allowaystown, and to manage the affairs of the same, as of one joint stock company, which the same is hereby declared to be in all things, according to the directions of the act to which this a supplement.

Approved February 24, 1852.

CHAPTER XXXVIII.

AN ACT to repeal an act entitled, "An act to incorporate the Ringwood and Long Pond Turnpike Company," passed February ninth, eighteen hundred and eleven, and to declare the turnpike of said company a public highway.

Preamble.

WHEREAS it is represented by the president and directors of the Ringwood and Long Pond Turnpike Company, that the said company was incorporated in the year eighteen hundred and eleven, and that they laid out and constructed the turnpike road authorized by the charter ; that, by means of tolls and contributions of stockholders, the said road was kept up and maintained until the year

eighteen hundred and forty-one, since which time the travel upon said turnpike has been diverted to the Erie railroad, so that the tolls are entirely insufficient to keep said turnpike in repair, and the same has become almost impassable for want of repair; and it appearing that the said president and directors desire that the charter of said company should be repealed, and the said turnpike road declared a public highway—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Former act repealed. *of the State of New Jersey*, That the act entitled, “An act to incorporate the Ringwood and Long Pond Turnpike Company,” passed the ninth day of February, in the year of our Lord one thousand eight hundred and eleven, be, and the same is hereby repealed.

2. *And be it enacted*, That the road laid out and constructed by the said company, by virtue of the said act, shall hereafter be deemed a public highway, in the same manner as if the same had been laid out by surveyors of the highways under the laws of this state, and shall be worked and managed accordingly. Road to be deemed public highway.

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

Approved February 24, 1852.

CHAPTER XXXIX.

AN ACT to incorporate the Manufacturers' Fire and Marine Insurance Company, of Newark, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly* Style of incorporation. *of the State of New Jersey*, That all such persons as shall become stockholders of the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby constituted and declared to be a body politic and corporate, by the name and style of “the Manufacturers' Fire

and Marine Insurance Company," to be located at Newark, in the county of Essex, and state of New Jersey.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five per cent. on the stock by him subscribed for, the remainder to be paid in such securities on real estate or other securities, as the commissioners herein after named shall deem sufficient; and the said company shall not commence business until fifty thousand dollars of said stock is subscribed for and paid, or secured to be paid, as aforesaid.

Directors to
be classified.

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

Annual elec-
tion of direc-
tors.

4. *And be it enacted*, That the annual election for directors shall be held, on the second Monday of January in every year, at the office of the company, or such other place as a majority of the directors may previously designate; a public notice of the election shall be given by the secretary, in one or more newspapers printed in Newark, at least two weeks previous to the time of holding the election; such election shall be held under the direction of three stockholders, to be appointed by the directors; and such election shall be by ballot and by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of the said stock; and if any of the directors shall die or refuse to serve, or neglect to act in their said office for the space of three months, successively, then and in every such case the remaining directors shall have the power to fill such vacancy or vacancies until the next elec-

Vacancies.

tion; 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.

5. *And be it enacted*, That it shall be the duty of the directors, on organizing the company, at the first meeting of said directors held after their election, and annually thereafter, to choose from among themselves one person for president; and they may also elect a vice president in the same manner, at the same time, both of whom shall be residents of this state, and both of whom shall continue in office until the next annual meeting and until others shall be chosen in their place; and the vice president shall perform the duties of the president, in case of the death, absence, or inability of the president to act.

6. *And be it enacted*, That Jabez G. Goble, Joseph A. Bowles, James B. Pinno, Horatio N. Peters, and Abner S. Reeve shall be commissioners to receive subscriptions to the capital stock of said company; and when the whole of said stock shall be subscribed and paid, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by an advertisement, published at least ten days previously in some newspaper published and circulating in the county of Essex, stating the time and place at which such meeting of the stockholders shall be held; and they shall, by ballot, elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election; *provided nevertheless*, that if there should be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancies so occasioned.

7. *And be it enacted*, That the said company shall have power—

First. To make insurance upon vessels, freight, goods, wares, and merchandise, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation.

Second. To make insurance upon dwelling houses, stores,

and all kinds of buildings, and upon household furniture, merchandise, and all personal or other property, against loss or damage by fire, and, generally, to insure against all losses pertaining to fire and marine risks.

Third. To cause themselves to be reinsured, when deemed expedient.

Policies, how
made.

8. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, which shall be made and entered into by said corporation, may be with or without the seal thereof, and shall be subscribed by the president or vice president, and attested by the secretary; and being so signed, executed, and attested, shall be binding and obligatory upon the said corporation, according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, executed, and attested without the presence of the board of directors.

Company
may hold re-
al estate.

9. *And be it enacted*, That it shall and may be lawful for the said company to purchase, hold, and convey any estate, real and personal, for the use of the said corporation; *provided*, the said estate which it shall be lawful for the said corporation to hold be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be taken as security for, or in payment of debts, and also to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide; but no money shall be loaned on real estate, unless the same be situated in this state.

Stock trans-
ferable.

10. *And be it enacted*, That the capital stock of said corporation shall be transferable, according to the rules and regulations prescribed by the directors; and every subscriber of any share or shares of said stock, who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed for, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may have arisen thereon.

Dividends to
be made.

11. *And be it enacted*, That it shall and may be lawful for the directors of said company to make dividends of so much of the profits of the said company as shall appear ad-

visible; and the said dividends shall be paid to the stockholders, or their representatives, but the dividends shall not at any time exceed the amount of clear profits made by the company; the capital stock shall be and remain unimpaired, and if the said directors shall at any time make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, their heirs, executors, or administrators, or any of them, in any court of record of this state, by any creditor of said company, and may be prosecuted therein to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest, within ten days thereafter, in a newspaper published and circulating in the city of Newark, and county of Essex aforesaid.

12. *And be it enacted*, That if any person insured by the said corporation shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but this corporation shall not be bound by such policy after such assignment, until the assignment shall have been recorded in the books of the corporation, and the same certified on such policy by the secretary.

13. *And be it enacted*, That any person or persons insured by said corporation may maintain an action at law against the same for losses or damages due to him, her, or them from said corporation, if payment is withheld more than ninety days after the amount and due proofs of such losses shall have been ascertained and made, and the said corporation notified thereof, no stockholder of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such case a reasonable time shall be allowed them.

14. *And be it enacted*, That the said company shall pay

Assignments
how made.

Actions may
be maintained
against
corporation,
if payment
withheld.

Proviso.

Tax on capital stock.

into the treasury of this state one quarter of one per centum per annum on the capital stock paid in, or secured to be paid aforesaid, to commence three years after the said company shall go into operation; which amount shall be paid in, under oath or affirmation of the president and secretary thereof.

Limitation.

15. *And be it enacted*, That this act shall continue in force for the term of twenty years, and no longer, unless the charter is renewed; 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, one thousand eight hundred and forty-six, so far as the same are applicable; *provided*, that no contract made by said corporation before the repeal or expiration of this charter, shall be affected thereby; and the said corporation shall have a reasonable time to bring its accounts to a final settlement.

Proviso.

Approved February 24, 1852.

CHAPTER XL.

AN ACT respecting annual reports to the legislature, of railroads and canal companies.

Railroad companies to make annual report.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That every railroad company in this state shall, on the fourth Tuesday of January, in each and every year, make to the legislature a report, under oath or affirmation of the president of said company, containing an account of their capital stock actually paid in, and the amount of funded and other debts of said company; also, of the costs of said road and equipments; also, of the operations of the said company during the year; also, the expenditures for working the said roads, includ-

ing repairs, maintenance of way, motive power, and contingencies ; also, the income from passengers, freight, and other sources ; also, the amount of dividends, and how paid ; also, the accidents that have occurred during the year on the road, and the cause of the same, with the names of the persons injured, and the nature and extent of their injuries ; also, the names of the engineers and conductors under whose management such accidents have occurred, and whether such engineers and conductors are still retained in the employ of said companies.

2. *And be it enacted*, That every canal company of this state shall, on the fourth Tuesday of January, in each and every year, make to the legislature a report, under oath or affirmation of the president of said company, containing an account of the capital stock of said company actually paid in and the amount of funded and other debts of said company ; also, of the cost of canal and appurtenances ; also, of the expenditures for repairs, superintendence, and management of the same, under their appropriate heads ; also, of the income during the year from passengers, freight, and other sources, and the amount of dividends, and how paid.

Canal companies to make annual report.

Approved February 24, 1852.

CHAPTER XLI.

AN ACT incorporating homestead and building companies.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, not less than ten, to form a corporation for the purpose of assisting each other, and all those who may afterwards become associated with them, in procuring for themselves and others dwelling houses and lands or homesteads, and erecting buildings and improvements thereon, to be paid for by periodical instalments, in the manner

Associations incorporated

herein after provided; and upon filing in the office of the secretary of state a certificate and constitution in conformity with this act, such subscribers and all who may afterwards become members, and their successors and assigns, shall be a body corporate and politic, with all the powers, rights, and privileges, and subject to all the limitations, restrictions, and conditions, specified in an act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Right of
membership

2. *And be it enacted*, That the right of membership in all associations formed under this act shall consist in the periodical payment of such sum of money, at such times, and subject to such penalties as shall be determined by the constitution adopted and filed as aforesaid, or in the payment of a principal sum specified in such constitution, to be repaid by the company, in such way and manner as shall therein be designated, with interest, not exceeding six per cent. per annum.

Investment
of funds.

3. *And be it enacted*, That the funds of every association formed under this act shall be invested in the purchase of lands or building lots, and erecting buildings and improvements thereon, or in the purchase of lots and houses already built, or in all or any of these modes; which lands, dwellings, and improvements shall be sold to the members of such associations, payable in the shares of the company, or in periodical instalments for a period such as shall be agreed upon and designated in their constitution, and which shall not exceed the term of twenty years; at the expiration of which term, the lands, dwellings, and improvements, so sold and conveyed to the members of such associations, shall become the property of the grantees, discharged from all further payment and clear of all encumbrance.

Married wo-
men and mi-
nors may
hold shares.

4. *And be it enacted*, That it shall be lawful for married women and minors to hold shares in any associations formed under this act, provided said shares are paid for out of the earnings of said married women and minor children, or with money given to them by others than the husbands of said married women, or the male parents of minor children.

5. *And be it enacted*, That every company formed un-

der this act shall adopt a constitution, which shall be signed Constitution to be adopted. by its members, and filed as aforesaid, which shall embrace all the provisions of the foregoing sections, and such articles for their government and the management of their business as they shall deem proper, provided the same shall not be inconsistent with this act or with the act concerning corporations aforesaid.

6. *And be it enacted*, That every company formed under this act shall furnish to the secretary of state an annual Annual statement to be made. statement of the business and condition of the company, which shall be duly attested, under oath or affirmation, by the proper officers of said company.

7. *And be it enacted*, That the legislature shall have Act may be repealed. power to repeal or amend this act, or annul and dissolve any company formed in pursuance thereof.

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

Approved February 25, 1852.

CHAPTER XLII.

AN ACT to repeal so much of the "Act relating to school districts numbers one, two, and three, in the township of Rahway, in the county of Essex," as authorize them to raise money for school purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, Part of former act repealed. That so much of the act entitled, "An act to authorize the inhabitants of school districts numbers one, two, and three, in the township of Rahway, in the county of Essex, to raise money for school purposes," approved March fifth, eighteen hundred and fifty, as is contained in the first section thereof, be, and the same is hereby repealed.

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

Approved February 25, 1852.

CHAPTER XLIII.

A supplement to the act entitled, "An act to incorporate the Sussex Iron Company," approved twentieth March, eighteen hundred and forty-five.

Par value of stock.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the shares of the capital stock, now held by the stockholders of said corporation, be divided so that the par value thereof shall be twelve dollars and fifty cents, instead of one hundred dollars.

Capital stock increased.

2. *And be it enacted*, That the capital stock of the said corporation be increased to six hundred thousand dollars, with the privilege of a further increase to one million of dollars, if the business of the company should require it.

Books of subscription to be opened.

3. *And be it enacted*, That books of subscription be opened at the office of the said company, at Stanhope, in the county of Sussex, in this state, at such time as the directors thereof shall appoint, four weeks' notice thereof being given by advertisements in two newspapers published in the counties of Sussex and Morris.

Number of directors increased.

4. *And be it enacted*, That the terms of subscription to the said increased capital stock shall and may be determined by the board of directors of said corporation, which said board shall be increased from five to nine in number, the majority of whom shall be residents of this state, and be elected as provided for in the charter to which this is a supplement.

Company may hold real estate.

5. *And be it enacted*, That the said the Sussex Iron Company shall have full power to purchase and hold, and convey, any mineral or other lands, in the counties of Sussex, Morris, and Hudson, that they may deem necessary for the business of the said corporation.

Approved February 25, 1852.

CHAPTER XLIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act, Provisions of former act extended. to which this is a supplement, shall be extended to such persons as may associate themselves into a company for the purpose of transportation of goods, merchandise, or passengers, upon land or water, to build wharves and docks, and to reclaim and improve submerged lands; *provided*, Proviso. that any association formed for the purpose of building wharves and docks, and reclaiming and improving submerged lands, shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act to authorize the owners of lands upon tide waters, to build wharves in front of the same," approved March eighteenth, eighteen hundred and fifty-one.
2. *And be it enacted*, That all companies that may be established under this act shall be subject to all the provisions, liabilities, and restrictions of the act to which this act is a supplement. Liabilities and restrictions.

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

Approved February 25, 1852.

CHAPTER XLV.

A further supplement to the act entitled, "An act for the punishment of crimes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall receive or buy any bank bill or note, bill of exchange, Penalty for receiving or purchasing stolen bills, &c.

order, draft, check, bond, or promissory note for the payment of money, or any certificate of stock or other security for the payment of money, or any other evidence of debt, that shall be stolen or taken by robbery, from any other person or persons, or corporation, knowing the same to have been so stolen or taken by robbery, he, she, or they shall be deemed guilty of a high misdemeanor, and, on conviction, be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding three years, or both.

Penalty for
selling or
unlawfully
detaining
property of
others.

2. *And be it enacted*, That if any person or persons, into whose hands or possession any goods or materials may have been placed, or may hereafter be placed, for the purpose of being manufactured, repaired, made up, or having any labor bestowed thereon for the benefit of the owner, shall, without consent of the owner, unlawfully sell and dispose of the same, or shall, with intent to defraud the owner, on payment or tender of all just claims and liens for work or labor done upon such goods or materials, unlawfully refuse or neglect to deliver the same to the owner or owners, or to his or their order on demand, then every such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, not exceeding three hundred dollars, or imprisonment, not exceeding three years, or both, at the discretion of the court.

Penalty for
injuring wa-
ter works,
&c.

3. *And be it enacted*, That if any person shall wilfully, unlawfully, and maliciously cut down, break down, level, demolish, or otherwise destroy or damage any conduit, aqueduct, or artificial watercourse, for the purpose of leading water to any dwelling house, barn, spring house, or other outbuilding, or to the lands of any person, every person so offending shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both.

Approved February 26, 1852.

CHAPTER XLVI.

AN ACT to incorporate the Middletown and Shrewsbury Steamboat and Transportation Company.

WHEREAS James Cooper, Richard Lufburrow, George Preamble.
Cooper, Robert Allen, Joseph W. Borden, John E. Johnson, and Charles G. Allen, of the county of Monmouth, in this state, and others, have associated themselves together for the purpose of establishing a more easy and beneficial transportation of passengers and property, to and from said state, and have expended considerable money in procuring a suitable steamboat and conveniences for said business, whereby the public will be much benefited, and have desired to be incorporated for the better conduct and management of said business—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That James Cooper, Richard Lufburrow, George Cooper, Robert Allen, Joseph W. Borden, John E. Johnson, and Charles G. Allen, and such person or persons who are or shall hereafter be associated with them for the purpose of transporting passengers, merchandise, or property to and from and between ports and places in this state, and beyond the limits thereof, be, and they are hereby made and created a body politic and corporate, in fact and in law, by the name of “the Middletown and Shrewsbury Steamboat and Transportation Company.”

2. *And be it enacted,* That the capital stock of said company shall not exceed the sum of thirty thousand dollars; Amount of capital stock.
said stock may be divided into shares of five hundred dollars each, which shall be deemed personal property, and be transferable as the by-laws of said company may direct.

3. *And be it enacted,* That said company may from time Company may hold real and personal estate.
to time procure and use such vessels, vehicles, motive power, and personal property as may be needed for carrying on its said business; they may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business, not exceeding five acres.

Election of
directors.

4. *And be it enacted*, That the business of the company shall be under the control of a board of five directors, who shall be elected by the stockholders at such times and places as the by-laws may provide; in all elections and other questions, each stockholder shall have one vote for every share of the stock belonging to him, which vote may be given in person or by lawful proxy.

Office of
company.

5. *And be it enacted*, That the office and records of the company shall be kept at Red Bank, in said county of Monmouth; that the directors shall at all times keep, or cause to be kept at their office, proper books of account, in which shall be entered the transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company; and the president, and a majority of the directors thereof, shall at all times be residents of this state.

Limitations
and restric-
tions.

6. *And be it enacted*, That this corporation shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions, as are specified and contained in an 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, except nothing herein or therein contained shall be construed to prevent any vessel of said company from doing said business in, or navigating any of the waters beyond the limits of this state.

Approved February 26, 1852.

CHAPTER XLVII.

A further supplement to the act entitled, "An act to incorporate the Belvidere Manufacturing Company," passed the twenty-sixth February, eighteen hundred and twenty-eight.

Preamble.

WHEREAS by a supplement to said act, passed February twenty-sixth, eighteen hundred and thirty-eight, John

Kenney, jun., Peter Kleinhans, John P. B. Maxwell, and William P. Robeson, and their associates, were empowered and authorized to manufacture iron, wood, and flour, at Belvidere, Warren county, New Jersey; and whereas William P. Robeson, aforesaid, now the only person in interest, is desirous of changing the corporate name to that of "the Rifton Manufacturing Company," and locate the same at Rifton, on the Delaware, one and a half miles below said town of Belvidere,

BE IT ENACTED *by the Senate and General Assembly* Style of incorporation.
of the State of New Jersey, That the said William P. Robeson, his associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name and style of "the Rifton Manufacturing Company," for the purposes aforesaid; that they be permitted to locate the site of said company at Rifton, in Oxford township, Warren county, New Jersey, and that they have all the privileges and immunities, and be subject to all the liabilities, and be governed by the rules and regulations, of the said act entitled, "An act to incorporate the Belvidere Manufacturing Company," passed the twenty-sixth February, eighteen hundred and twenty-eight.

Approved February 26, 1852.

CHAPTER XLVIII.

A supplement to an act entitled, "An act concerning idiots and lunatics."

1. BE IT ENACTED *by the Senate and General Assembly* Application for sale of real estate of idiots or lunatics.
of the State of New Jersey, That whenever any idiot or lunatic shall be seized of any lands or real estate, and it shall be represented to the chancellor, on behalf of such idiot or lunatic, by his or her guardian or guardians, duly appointed in the manner prescribed in the act to which this

is a supplement, that his or her interest requires that the said lands should be sold or disposed of, the chancellor may proceed in a summary manner, by reference to a master, to inquire into the merits of such application; and whenever and as often as it shall satisfactorily appear to the court that the interest of such idiot or lunatic requires, or will be substantially promoted by a sale of his or her lands or real estate, or of any part or parts thereof, the chancellor may order and direct the guardian or guardians of such idiot or lunatic to sell and dispose of the whole or any part or parts of such lands or real estate at public auction, to the highest bidder, in such manner and with such restrictions as shall be deemed expedient; *provided however*, that nothing in this act contained shall authorize the sale of any lands or real estate contrary to the provisions of any last will or testament, or of any conveyance, by which the same were devised or granted to such idiot or lunatic.

Report of
sale to be
made.

2. *And be it enacted*, That the guardian or guardians who may be ordered to sell any lands or real estate as aforesaid, shall, after making such sale, report the same in writing, under oath or affirmation, to the chancellor, either in term or vacation; and if the chancellor shall approve such sale, he shall confirm the same as valid and effectual in law, and shall direct the said guardian or guardians to execute good and sufficient conveyance in the law to the purchaser or purchasers for the lands and real estate so sold; which said conveyances, duly executed as aforesaid, shall vest in the purchaser or purchasers as good and perfect an estate in the premises so sold as the said idiot or lunatic shall be seized of or entitled to at the time of making said order by the chancellor.

Proceeds of
sale.

3. *And be it enacted*, That no sale of any real estate, made pursuant to or by virtue of the provisions of this act, shall give to any person any other or greater interest in the proceeds of such sale than he or she had, or would have had, in the lands, provided the same had not been sold; but the said proceeds shall be considered, relative to the statutes of descents and distribution, and for every other purpose, as real estate of the same nature as the property sold.

4. *And be it enacted*, That every guardian who may be

ordered to sell any lands or real estate as aforesaid, shall, before or at the time of making the report of such sale, enter into bond to the ordinary of this state and his successors, with such security as the chancellor shall deem to be sufficient, and shall so adjudge and approve, in the order confirming said sale conditioned for the faithful discharge of the trust committed to such guardian, which bond shall be filed in the office of the clerk of chancery; and in case the same shall become forfeited, it shall and may be lawful for the chancellor to order the same to be prosecuted in any court of record, at the request of any person aggrieved by such forfeiture.

Guardian to give bond.

5. *And be it enacted*, That the moneys arising from any sale made in pursuance of this act, after payment of the costs and expenses incident thereto, shall be put out at interest on good and sufficient security of unencumbered real estate, or, if the chancellor shall so direct, in public stock of the United States or of this state, and in no other way whatever.

Investment of proceeds of sale.

6. *And be it enacted*, That it shall be the duty of every such guardian to render to the orphans' court, from whom he received his appointment as guardian, a true account of the administration of the proceeds of the sale of any real estate ordered to be sold as aforesaid, at the times and in the manner such guardians are directed to account in and by the eleventh section of the act to which this is a supplement.

Guardian to render account.

Approved February 26, 1852.

CHAPTER XLIX.

AN ACT to amend an act entitled, "An act to incorporate the Union Manufacturing Company," passed twenty-sixth February, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Union Corporate name changed.

Manufacturing Company shall be changed to the Union Mineral Company, and by that name shall be entitled to all the powers, rights, and privileges embraced in said charter.

Capital stock
may be in-
creased.

2. *And be it enacted*, That the board of directors of said company are hereby authorized and empowered to increase their capital stock, by issuing shares for the same, upon the same terms, conditions, and considerations with the original stock, and at such times and in such sums as they may think proper, not exceeding the amount of their present capital.

Capital may
be used for
exporting
minerals, &c.

3. *And be it enacted*, That the said corporation may use one half of their capital in exporting any of the mineral or metallic substances that they may find in any of their mines in New Jersey.

Approved February 26, 1852.

CHAPTER L.

Supplement to an act entitled, "An act concerning the estates of persons who die insolvent."

Actions a-
gainst execu-
tors or admi-
nistrators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no action, either at law or in equity, shall be brought or maintained against executors or administrators of the estate of any decedent, within six months after probate shall have been granted to such executor or executors, in case of a will, or letters of administration shall have been granted to such administrator or administrators, in case of intestacy, or with a will annexed, as the case may be, that time may be had to examine into the condition of the estate, unless upon suggestion of fraud, to the satisfaction of the court wherein such action is intended to be brought, or for the physician's bill during the last sickness, funeral charges and expenses, and any judg-

ment or judgments entered of record against such decedent in his lifetime and unsatisfied, all which shall have preference, and be first paid out of the personal and real estate of the testator or intestate, as heretofore.

2. *And be it enacted*, That all other enactments inconsistent with the provisions of this act shall be, and the same are hereby repealed. Part of former act repealed.

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

Approved February 26, 1852.

CHAPTER LI.

AN ACT authorizing the incorporation of plank road companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than ten, citizens and residents of this state, who shall file in the office of the secretary of state a certificate setting forth that they have formed a company, under the provisions of this act, for the purpose of constructing a plank road, and shall file therewith a constitution and survey, as herein provided, shall thereupon, with their successors and assigns, and all others who shall afterwards become stockholders in such company, be a body corporate and politic in law, by the name specified in said certificate and constitution, with all the powers and privileges, and subject to the restrictions, limitations, and conditions, contained in the act concerning corporations, approved the fourteenth day of February, eighteen hundred and forty-six. Formation of companies authorized.

2. *And be it enacted*, That any company formed in pursuance of this act, shall cause to be made an accurate survey of the route intended to be occupied by the plank road which they purpose to make, and of the land which it may be necessary to appropriate to the use of said road, which Survey of route and description to be filed.

survey and description shall set forth the names of the owners and occupants of said lands, and shall be signed by three-fourths in interest of the said owners of the land which it may be necessary to use and occupy, except as herein after provided, setting forth that they are of opinion that the construction of said road will promote the public good, and that they consent to its location through and over their property, and to the appropriation of the same to the use of said road, which survey and description, so certified and signed, shall be duly proven and filed, in connection with the certificate and constitution, as herein provided; and before any common road or highway, which has been already dedicated to public use, shall be taken and occupied for the purpose of a plank road, it shall be the duty of the company so intending to use the same, to have such road or highway vacated in due form, according to law, in the way and manner provided for vacating public roads; and if any owner or owners of the land where such public road has been vacated, or of any other land surveyed and laid out for a plank road, shall not be willing to give the same for the use of said company, or if the owner or owners of such land shall be feme covert, under age, non compos, out of the state, or under any legal disability which would prevent their agreement with any company formed by virtue of this act, then it shall be the duty of any justice of the supreme court of this state, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested and impartial commissioners, residents of this state, to assess the price or value of such land, and all damages sustained, who shall be sworn, before some officer authorized by law to administer an oath, faithfully to administer the duties of such appointment; and after ten days' notice in writing 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 award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing under their hands and

Proceedings
in case owners
of land and compa-
ny cannot
agree.

seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all the papers before him in relation thereto, in the clerk's office of the county in which such lands lie, there to be recorded and kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of said commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the first term after the decision of said commissioners, by proceeding in the form of petition to the said court, with five days' notice to the opposite party of such appeal, which proceeding shall vest in the said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and shall finally determine the same; and it shall be the duty of said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party to do so; 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 shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of 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 company shall be deemed to be seized and possessed of all such lands and real estate so appraised as aforesaid, for the purposes of said road; and if the owner or owners of such land or property shall be feme covert, under age, non compos, out of the state, or under any legal disability, it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of 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 which proceedings shall be

Parties aggrieved may appeal.

at the proper cost and charges of said corporation, except in cases of appeal, above provided for.

Map to be
made and
filed.

Proceedings
in case of
objections to
route.

Compensa-
tion to com-
missioners.

Constitution
to be adopt-
ed.

3. *And be it enacted*, That every company formed under this act, before constructing any part of their road into or through any county named in their articles of association, shall make a map and profile of the route intended to be adopted by such company in such county, which shall be certified by the president and engineer of the company, or a majority of the directors, and filed in the office of the clerk of the county in which the road is to be made. The company shall give written notice to all actual occupants and owners of the land over which the route of the road is so designated, and which has not been purchased by, or given to the company, of the route so designated. Any party feeling aggrieved by the proposed location, may, within fifteen days after receiving written notice as aforesaid, apply to the court of common pleas of the county in which the road is to be made, by petition duly verified, setting forth his objections to the route designated; and the said court may, if they consider sufficient cause therefor to exist, appoint three disinterested persons, one of whom must be a practical engineer, commissioners to examine the proposed route, and, after hearing the parties, to affirm or alter the same, as may be consistent with the just rights of all parties and the public; but no alteration of the route shall be made, except by the concurrence of the commissioner who is a practical civil engineer. The determination of the commissioners shall, within thirty days after their appointment, be made and certified by them, and the certificate filed in the office of the county clerk. Said commissioners shall, each, be entitled to three dollars per day for their expenses and services, to be paid by the person who applied for their appointment; and if the proposed route of the road is altered or changed by the commissioners, the company shall refund the amount so paid.

4. *And be it enacted*, That any company formed in pursuance of this act, shall adopt a constitution, which shall be signed by the stockholders, and filed in the office aforesaid, which constitution shall embrace the following provisions, and such additional articles as said stockholders may deem

necessary for the management of their affairs, not inconsistent with the provisions of this act, nor with the act concerning corporations aforesaid:

Article first, shall set forth the name, style, and title of the corporation.

Article second, shall fix the amount of the capital stock, and the number of shares into which it shall be divided.

Article third, shall designate the officers and directors by whom the business of the company shall be conducted, the manner in which they shall be elected, and the time for which they shall serve.

Article fourth, shall define the powers and duties of the officers and directors.

Article fifth, shall provide for meetings of the stockholders, and define their powers.

5. *And be it enacted*, That the business of any company formed under this act, shall be conducted by a board of directors, consisting of not less than five, nor more than nine, a majority of whom shall be citizens of this state, who shall be elected at such time and place as shall be directed by the by-laws of the corporation, of which election public notice shall be given, not less than twenty days previous thereto, in a newspaper printed in each county in or through which the road of such company is located; or in case no newspaper is published in said county, then in a newspaper published in a county adjacent thereto. Election of directors.

6. *And be it enacted*, That it shall be the duty of the directors of every company formed under this act, to cause a book to be kept by the secretary, treasurer, or clerk thereof, containing the names of all persons, alphabetically arranged, who are stockholders of such company, and the number of shares held by them respectively, which book shall be open for the inspection of all persons who may desire to examine the same, or to make copies thereof. Names of stockholders to be recorded.

7. *And be it enacted*, That the directors of any company incorporated under this act, may require payment of the sums subscribed to the capital stock; at such times and in such proportions, and on such conditions, as they shall see fit, under the penalty of the forfeiture of the stock, and all previous payments made thereon; and they shall give Payments of instalments, how made and enforced

notice of the payments thus required, and of the place and time when and where the same are to be paid, at least thirty days previous to the time of payment, in one newspaper printed in each county in or through which the road is located; or in case no newspaper is published in said county, then in a newspaper printed in a county adjacent thereto; and the shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be directed by the by-laws of the company; and the directors of every such company may, at any time, with the consent of a majority in amount of the stockholders in said company, provide for such increase of the capital stock of said company as may be necessary to finish the making of a road actually commenced and partly constructed, notice of such increase to be duly filed in the office of the secretary of state.

Company not to incur debts beyond certain amount.

8. *And be it enacted*, That it shall not be lawful for any company formed under this act, to issue any bond, create any mortgage, or contract any debt, other than shall be necessary in constructing and maintaining the road owned by said company, which debt or contract shall in no case exceed the amount of moneys actually in the treasury, or that may be due to the company on the remaining instalments of the capital stock; and for all debts thus contracted, the stockholders of said company shall be individually liable, to an amount equal to the amount of the capital stock held by them respectively.

Semi-annual dividends.

9. *And be it enacted*, That semi-annual dividends may be made of all moneys in the treasury, derived from the profits of the road, that may not be required for the payment of all contracts for the construction of such road, and the formation of a fund for its maintenance and repair.

Company authorized to construct road.

10. *And be it enacted*, That the president and directors of any company, formed in pursuance of this act, are hereby authorized and invested with all the rights and powers necessary to survey, lay out, and construct a plank road, in conformity with the plan and on the route designated in the survey filed as aforesaid, and certified by the owners of the land through which such road shall pass; and it shall and may be lawful for said president and directors, or

their agents, superintendents, workmen, contractors, or other persons in their employ, to enter upon, take possession of, hold, have, and occupy and excavate any such lands, and to erect embankments, bridges, docks, wharves, piers, warehouses, and all other such works necessary to the construction and business of said road, and to do all other things which shall be necessary to carry into full effect the objects of this act; *provided always*, that they shall not Proviso. cause any obstruction to any public highway, or build any bridge over any navigable stream, or cause any obstruction thereto, or remove any dwelling house or other buildings, without the consent of the owners thereof; and for all lands which it may be necessary to appropriate to the use of such road, the said corporation shall pay, or make tender of payment, for all damages which may have been agreed upon or awarded before the said company, or any person in their employ, shall enter upon or break ground in the premises, unless the consent, in writing, of the owner or owners of such lands be first had and obtained.

11. *And be it enacted*, That when the board of chosen freeholders of the counties through which any road shall be constructed under this act, shall desire so to do, they may, by paying to the stockholders the original cost of constructing said road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners of land on which the said plank road passes, or from whence the materials for its construction may be taken. Road may be made free on payment of cost.

12. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the thirteenth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerks of the counties through which said road shall be constructed, a full and perfect statement of the cost of the construction of said road. Statement of costs to be filed.

13. *And be it enacted*, That every plank road made by virtue of this act, shall be laid out, and so constructed and maintained, as to secure at all times a smooth and permanent road, the track of which shall be made of plank or timber, so that the same shall form a hard and even sur- Description of road.

face, and be so constructed as to permit carriages and other vehicles conveniently and easily to pass each other, and also to permit all carriages to pass on and off when such road is intersected by other roads; and wherever bridges or embankments shall be necessary, substantial and permanent railing shall be made and kept up in all places where it shall be necessary to the safety of persons using the road; *provided*, that no steam power shall be used on any road constructed by virtue of this act, nor iron rails or other obstruction to common travel placed thereon.

Proviso.

Inspectors to be appointed

14. *And be it enacted*, That in any county of this state in which there shall be a plank road constructed by virtue of this act, there shall be three inspectors of such roads, who shall not be interested in any plank road in that county; they shall be appointed by the board of freeholders for the county, and shall hold their office during the pleasure of such board: whenever any company shall have completed their road, or any five consecutive miles thereof, they shall apply to any two of the inspectors in the county where said road, or the part thereof so completed is located, to inspect the same; and if such inspectors, or a majority of them, are satisfied, on inspection, that the road is made and completed according to the true intent and meaning of this act, they shall grant a certificate to that effect, which shall be filed in the office of the county clerk; the inspectors shall be allowed two dollars per day for their services, for the time they are employed, to be paid by the company whose road they inspect; upon filing, as aforesaid, such certificate, the company owning any plank road, so inspected, may erect toll gates upon their road, but not within three miles of each other, and may demand and receive toll for passing over each mile of said road, so completed and inspected, not exceeding the following rates, to wit:

Compensation.

Rates of toll.	For every carriage, sleigh, or sled, drawn by one beast,	one cent.
	For every additional beast,	one half cent.
	For every horse and rider, or led horse or mule,	one half cent.
	For every dozen of horses, mules, or cattle,	one cent.
	For every dozen of calves, sheep, or hogs,	one cent.

And it shall be lawful for any tollgatherer to stop any horse, mule, calves, sheep, hogs, carriage, or other vehicle, of any kind, from passing through any of said gates or turnpikes, until the toll, as above specified, has been paid for them respectively.

15. *And be it enacted*, That before any company shall demand toll for travelling any road constructed in pursuance of this act, 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 said stone or post is from the commencement and termination of said road, and shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a bill of the rates of toll which may be lawfully charged.

Mile stones
or posts to
be erected
and main-
tained.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any mile stones or posts, so erected on the said road, or injure any gate, turnpike, bridge, timber, or plank that shall be erected or placed in pursuance of this act, or shall forcibly pass the gates or turnpikes without having paid the legal toll, such person shall forfeit and pay a fine of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit; and if any person shall, with his team, carriage, or horse, turn out of said road to pass a gate or gates, and again enter on said road with intent to avoid the toll due by virtue of this law, such person 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, to their use, 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 person passing at any of the gates, 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 for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
delaying tra-
vellers.

18. *And be it enacted*, That all drivers of carriages,

Penalty for obstructing passage.

sleighs, or sleds, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in passing, leaving the other side of the road free and clear for other carriages or persons to pass; and if any person shall offend against this provision, such person shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in passing, and will sue for the same, to be recovered by an action of debt, with costs of suit.

Annual statement to be made.

19. *And be it enacted*, That it shall be the duty of the directors of every company formed under this act, to report annually to the secretary of state, under oath of any two of said directors, the cost of their road, the amount of tolls or earnings expended on such road, the amount received during the year for tolls and from all other sources, stating each separately, the amount of dividends made, and the amount set apart for repairs, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.

Time for commencing and completing road.

20. *And be it enacted*, That any company incorporated under this act shall cease to be a body corporate, if within two years from the filing of their articles of association they shall not have commenced the construction of their road, and actually expended thereon at least ten per cent. of the capital stock of said company, and if within five years from the filing of said articles, such road shall not be completed according to the provisions of this act.

Proceedings in case road and bridges are not kept in repair.

21. *And be it enacted*, That if the said company shall not keep the said road, and bridges erected thereon, in repair, and complaint thereof shall be made in writing, by three responsible persons of the county, to a judge of the court of common pleas or any justice of the peace of the county wherein the said road or bridge is out of repair, who may be disinterested, the said judge or justice of the peace, giving notice to the president of the said company or to the keeper of the nearest gate or turnpike, setting forth the nature of the complaint, and that if the cause of complaint, if any, be not removed, he will on a certain day, not less than five, appoint by writing, under his hand and

seal, three respectable persons of the township where the cause of complaint arose, or if it be on the line of any two townships, of either of the said townships, which three persons, being disinterested in the 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 judge or justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road or bridge so complained of, and report to the said judge or 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 or bridge, the said judge or justice shall immediately, in writing under their hands and seals, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the keeper shall, notwithstanding the order of the said judge or justice to open the said gate or turnpike, exact toll from travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit; and the judge or justice shall be allowed for their 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 or justice, who shall, if authorized by the report of the said persons, or any two of them, by license, under their hands and seals, directed to the toll-gatherer, permit the gates or turnpike 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, 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 persons making the complaint.

22. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act, or may annul or repeal any corporation formed or created under this act. Act may be repealed.

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

Approved February 26, 1852.

CHAPTER LII.

AN ACT to set off a part of the township of Vernon, in the county of Sussex, and to annex the same to the township of Hardyston, in said county.

Boundaries
of part set
off.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Vernon, in the county of Sussex, that lies southwestwardly of the line following, to wit: beginning in the line of division between the townships of Vernon and Wantage, in the said county of Sussex, at the point of division between the lands of Nicholas I. Cox and of Isaac Sharp, and thence running a southeastwardly course to the saw mill late of Stephen F. Margaram, deceased; thence, on the same course, to the line of division between the counties of Sussex and Passaic, be, and the same is hereby set off from the said township of Vernon, and annexed to the township of Hardyston; and that the inhabitants of that part of the said township of Vernon, so set off and annexed, shall be incorporated with the inhabitants of the said township of Hardyston, as heretofore existing, under the corporate name of "the Inhabitants of the township of Hardyston, in the county of Sussex."

Commission-
ers to sur-
vey line.

2. *And be it enacted*, That William McCoy, Moses W. Northrup, and James Vankirk, or any two of them, be, and they are hereby appointed commissioners, to run, survey, ascertain, and mark the said line; and that they, or any two of them, shall, on or before the first Tuesday of April next, execute and discharge the duties of this appointment, in the like manner, in all respects, as if they had been appointed

by the court of common pleas of the said county of Sussex, on the application of the board of chosen freeholders, except only that it shall not be necessary for the said commissioners to give notice of the time and place of meeting to perform the duties of their appointment; and that the charges and expenses of the said commissioners shall be taxed and paid in like manner as if they had been so appointed by the said court.

3. *And be it enacted*, That this act shall take effect and When act to take effect. go into operation on the second Tuesday of April next.

Approved March 4, 1852.

CHAPTER LIII.

A further supplement to the act entitled, "An act to facilitate the administration of justice."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the fifth day of July next, the several regular terms of the respective courts in and for the counties herein after named, shall be held at the following times, and not otherwise, that is to say:

I. In the county of Cape May, on the first Tuesday of Cape May. January, the third Tuesday of May, and the fourth Tuesday of August, respectively.

II. In the county of Camden, on the second Tuesday of Camden. January, and on the first Tuesdays of May and October, respectively.

III. In the county of Gloucester, on the first Tuesdays of Gloucester. April, September, and December, respectively.

IV. In the county of Atlantic, on the second Tuesdays of Atlantic. April, September, and December, respectively.

V. In the county of Cumberland, on the third Tuesdays Cumberland. of April, September, and December.

VI. In the county of Salem, on the fourth Tuesdays of Salem. April, September, and December.

Orphans'
court.

2. *And be it enacted*, That the time of holding the orphans' court in the counties of Gloucester, Salem, Cumberland, and Cape May, shall be on the Monday immediately preceding the terms of the other courts of said counties, respectively.

Part of former act repealed.

3. *And be it enacted*, That the provisions of the act to which this is a supplement, and of any other act which may be inconsistent with this act, are hereby repealed.

Approved March 4, 1852.

CHAPTER LIV.

A supplement to "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.

Survey, how made.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the survey to be made, as directed in the first section of the act to which this is a supplement, shall embrace all the land, meadow, or swamp, that, in the judgment of the said surveyors and freeholders, or a majority of them, will be benefited by the said ditch or drain; and, within six months after the said survey shall have been recorded in the clerk's office of the county, it shall be lawful for any two or more of the owners of land to be benefited by said drain, to call a meeting of the persons through whose land the said drain is laid or who are to be benefited thereby, by written or printed notices served upon the owners or possessors of all the land, meadow, and swamp embraced within the limits of said survey, for at least two weeks prior to said meeting; and when assembled, the said owners or persons interested as aforesaid, shall and may, by plurality of the votes of those met, choose one or more manager or managers, a treasurer and clerk, who shall hold their offices for one year and until others are elected.

2. *And be it enacted*, That it shall be the duty of the said ^{Managers to make drains, &c.} manager or managers to proceed and cause the said ditch or drain to be cut, dug, cleared out, and fully completed, and the necessary dam or dams, sluice or sluices, and other water works, as directed by the survey and return of the said surveyors and freeholders aforesaid, to be made, laid, and constructed, so as effectually to complete the said drain; and the said manager or managers are fully authorized and empowered, from time to time, during the progress of the work, or whenever occasion may require, to make out estimates of the expense thereof, under his or their hand or hands, and cause the same to be recorded in the clerk's book of said company, and shall then assess the same ratably on all the land that is embraced within the said survey of the surveyors and freeholders, agreeably to the quantity each owner may have within the said survey, and in proportion to the benefit to be derived therefrom; and shall state the said assessment in a regular duplicate, containing the names of the owners, the number of acres and parts of acres held by each, the sums assessed on each severally, and the time of payment, which duplicate shall be signed by the said manager or managers, and delivered to the treasurer chosen as aforesaid.

3. *And be it enacted*, That the treasurer, on receipt of the said duplicate, shall, in person, or by notice in writing ^{Mode of collecting assessments.} left at the usual place of abode of each owner, demand of and from each owner (if resident in the said county), twenty days before the time of payment, the sum assessed as aforesaid; and if any of the owners reside out of the county, then public notice shall be given, in a newspaper published in said county, for at least three weeks before the time of payment; and if any of the said owners shall neglect or refuse to pay the sum assessed as aforesaid for the space of ten days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer to seize, and sell at public vendue (after ten days' notice set up in three of the most public places in the township where the premises lie) the wood, grass, pasture, herbage, or other vendible property thereon, sufficient to make the amount of the assessment and cost of sale; and for want of sufficient

vendible property on said premises to make the amount required, it shall and may be lawful to and for the said treasurer to seize and rent out by public vendue, to the highest bidder, for so long a time and no longer as will be requisite, so much of the land, swamp, or meadow ground within said survey, belonging to or in possession of such delinquent owner, as may be sufficient to discharge such assessment, and all expenses attending the recovery thereof, having first advertised the same, for the space of three weeks, in three of the most public places in the neighborhood where the said land, swamp, or meadow lies.

Further assessments may be made

4. *And be it enacted*, That if said assessment, so made and collected as aforesaid, should not produce a sufficient sum of money to fulfil the purposes above mentioned, the said managers shall make, in like manner, an estimate of such sum as may be further necessary, which shall be assessed and collected in like manner as is herein before directed.

Repairs to drain, sluice &c.

5. *And be it enacted*, That the said manager or managers shall, from time to time, at least once in every six months, inspect and examine the said drain, sluice, and water works so erected or made for the benefit of the aforesaid company, and shall cause, or procure to be made or done, all such repairs and amendments as to them, or a majority of them, shall seem necessary, and for defraying the expense thereof, shall assess, in manner aforesaid, such sum or sums of money as may be requisite, which shall be collected in manner aforesaid.

Annual election of officers.

6. *And be it enacted*, That after the first meeting of the said owners, at the time and place appointed as aforesaid, it shall and may be lawful for the said owners to meet and assemble statedly, yearly and every year thereafter, at such time and place as a majority of those met at the first meeting may have appointed, and there, by ballot, or otherwise, and plurality of votes of those met, appoint a manager or managers, a treasurer and clerk, as aforesaid, to continue for one year, and from thence until others are appointed to supply their places; and the manager or managers, treasurer and clerk, shall have the like powers as those herein before mentioned; *provided always*, that in all the meetings of the

Proviso.

said owners, each shall be entitled to one vote for each acre he holds within the aforesaid survey; and nothing in this act contained shall be construed to prevent a manager from being treasurer, clerk, or both.

7. *And be it enacted*, That it shall be the duty of the clerk, chosen as aforesaid, from time to time to enter in a book, to be provided for that purpose, all votes, proceedings, orders, and assessments made by the said owners, or the manager or managers, and all transactions whatsoever which the said owners or manager or managers shall direct, which book shall, at all times, be open to the inspection of any owner of land embraced within the limits of the survey.

8. *And be it enacted*, That whenever application shall be made to the surveyors and freeholders, as directed in the act to which this is a supplement, to lay out any ditch, drain, or artificial watercourse, straightening and clearing out, in whole or in part, any stream, creek, or natural watercourse running through any low meadows and swamp lands upon which said stream, creek, or natural watercourse, and below the said ditch or drain proposed, are situate, any water powers, mill dams, and mill privileges, and a notice shall be given in writing to said surveyors and freeholders, at any time previous to the laying out of any such ditch or drain, by any owner or owners of any such water powers, mill dams, and mill privileges, requesting the said surveyors and freeholders to meet upon his, her, or their premises so as aforesaid situate, with a view of ascertaining any damage or injury that may accrue to said mill owner or owners by reason of the cutting of said ditch or drain, it shall be the duty of, and the said surveyors or freeholders are hereby directed and required to so meet upon said premises, at some short time after the service of such notice and before the laying out of such ditch or drain, (notice of the time, place, and object of such meeting having been given by advertisements put up in three of the most public places in the township where the premises lie, at least ten days previous to said meeting,) and to hear any allegations and proofs the parties interested may make and produce before them, touching the nature of said stream or natural watercourse so to be ditched and cleared out, and the situation

of said water powers, mill dams, and mill privileges, with reference to any damages or injury to be done or caused to the same by reason of the cutting of said ditch or drain, and to weigh and take the same into consideration and account in determining whether or not the laying out of such ditch or drain shall be proper, reasonable, and necessary.

Assessment
of damages.

9. *And be it enacted*, That, if after such examination and hearing, the said surveyors and freeholders shall lay out such ditch or drain, they shall at the same time make an assessment of any and all damages that may arise and accrue (if any in their judgment will arise or accrue) to the said owner or owners of said water powers, mill dams, and mill privileges by reason of the laying out and cutting said ditch or drain, and the same shall be levied and collected, by the said manager or managers, in manner as herein before provided in case of expense assessments, and immediately thereafter paid over to said mill owner or owners.

Persons ag-
grieved may
appeal.

10. *And be it enacted*, That if any owner or owners of such water powers, mill dams, and mill privileges, or any person or persons whose lands are included in the survey aforesaid, shall be dissatisfied and feel aggrieved at any such assessment or survey, an appeal may be had to the next term of the court of common pleas of the county where the premises lie, which court, upon proper cause shown, shall award a venire in proper form, directed to the sheriff of said county, for a jury of view, composed of twelve good and lawful jurors of said county, who shall (public notice having been given as aforesaid) meet upon the premises, and having been duly sworn or affirmed, before an officer competent to administer an oath or affirmation, faithfully and impartially to determine the question of damages or the limits of the said survey (as the case may be) about to be submitted to them, view the same, and, with the sheriff presiding, hear the allegations and proofs of the parties interested, in manner as herein before provided, and make a reassessment of any and all the said damages as aforesaid, or a resurvey of the lands, as the case may be, which said reassessment or resurvey shall be final and conclusive; and the said reassessment shall be levied, collected, and paid over in manner as herein before directed.

11. *And be it enacted*, That if the said surveyors and freeholders shall adjudge no damage or injury will accrue to said owner or owners of said water powers, mill dams, and mill privileges, by reason of said ditch or drain, and the said jury of view, if an appeal be taken, shall also so adjudge, then and in that case the expenses of the said surveyors and freeholders, together with the court and jury expenses when an appeal is taken, shall be borne and paid by the said mill owner or owners; but if the said surveyors and freeholders shall adjudge any damage or injury shall or will accrue to said mill owner or owners, then the expenses so as aforesaid shall be borne and paid by the owners of the low meadows and swamp lands benefited and improved, as included in the survey or resurvey aforesaid, by the cutting and making of said ditch or drain, and shall be assessed, collected, and paid over, by the said manager or managers, as is herein before directed.

12. *And be it enacted*, That in case of an appeal by any owner or owners of any of the lands, meadows, or swamp, included within any survey under this act, for a resurvey, if no resurvey shall be ordered, then the expense of the said appeal shall be borne and paid by the appellant or appellants; but if a resurvey shall be ordered, then the expenses shall be borne and paid by the persons whose lands are included within the limits of said resurvey.

13. *And be it enacted*, That such parts of the original act as are inconsistent with or repugnant to this supplement, be, and the same are hereby repealed.

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

Approved March 4, 1852.

CHAPTER LV.

AN ACT to incorporate the Paulsboro' Steamboat Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Price, John Stetser, John B. Miller, Philip S. Baker, Samuel B. Derrickson, Thomson Huff, and Stephen Miller, 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 Paulsboro' 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; and divided in shares of twenty-five dollars each; and that as soon as three thousand dollars of the said capital stock shall have been subscribed and actually paid in, and an affidavit thereof made by a majority of the directors to be chosen in pursuance of this act, and filed in the office of the clerk of the county of Gloucester, it shall be lawful for the said corporation to commence their business; and the remaining stock, or such part thereof as the said directors may deem expedient for the successful operation of the company, may be subscribed for and paid in by such instalments, 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 from Paulsboro', in the county of Gloucester, to the city of Philadelphia or elsewhere, 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

Objects of
incorpora-
tion.

by-laws for that purpose to be made and adopted ; and no part of the said capital stock shall at any time, nor under any pretence whatsoever, be divided among the stockholders for dividends, and no dividend shall be made or paid except from the actual profits ; 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.

3. *And be it enacted*, That Jacob Price, John Stetser, John B. Miller, Philip S. Baker, Samuel B. Derrickson, Thomson Huff, and Stephen Miller, 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 Gloucester, 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 and circulating in said county ; and at the time of subscribing for said stock, two dollars and fifty cents 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 instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, having given public notice thereof in manner aforesaid ; 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 instalments, or any of them, to and for the use of the company.

Commissioners to open books of subscription.

4. *And be it enacted*, That when one hundred and twenty shares of said stock shall have been subscribed for in the manner aforesaid, the said commissioners shall call a meeting of the stockholders, first giving at least two weeks' notice of the time and place of meeting, in the manner herein before directed ; 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

Election of directors.

stockholders, a majority of whom shall be citizens of this state, 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 term, and annually thereafter, on the said first Monday in January, 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, a majority of whom shall in all cases be citizens as aforesaid; and within ten days after such election, the said directors shall elect from their number a president, who shall likewise be a citizen of this state, who shall hold his office for 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 merchandise 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; and no dividends shall be declared or paid to the stockholders, except from the clear earnings of the corporation, after all its liabilities shall have been liquidated and the capital remaining unimpaired.

6. *And be it enacted*, That if one hundred and twenty shares be not subscribed and actually paid in within two years, or the said company fail to go in operation within four 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. Time for commencing operations.

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. Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That the corporation hereby created shall continue for twenty years, unless sooner repealed and unless sooner forfeited by a noncompliance with its provisions. Limitation.

Approved March 4, 1852.

CHAPTER LVI.

A supplement to an act entitled, "An act to incorporate the Somerville and New Brunswick Railroad Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the act, to which this is a supplement, be, and the same is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That if the railroad authorized by the act, to which this is a supplement, shall not be commenced in two years from the fourth day of July next, and Time of commencement and completion of road.

completed at the expiration of five years from that date, that then and in that case the act, to which this is a supplement, shall be void.

Approved March 4, 1852.

CHAPTER LVII.

AN ACT to incorporate the town of Hudson, in the county of Hudson.

Boundaries
of town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of North Bergen lying within the following boundaries, to wit: beginning at the southeasterly corner of North Bergen township, where it adjoins Jersey City; thence, running along the westerly line of Jersey City, to the north side of Hoboken road; thence westerly, along the line of land of C. B. Bacot, crossing Palisade avenue, to a point parallel with the east line of James Montgomery's land; thence northerly, and parallel with Palisade avenue, to the northerly line of James Montgomery's land; thence westerly, and running parallel with his line to the old Bergen wood road; thence, in a direct line, to the mouth of Penhorn creek; thence down Hackensack river, its several courses, to the north line of the New Jersey railroad; thence easterly, along the northerly line of the New Jersey railroad, its several courses, to the place of beginning, shall be, and hereby is created into, designated and known, as "the town of Hudson, in the county of Hudson."

General
powers.

2. *And be it enacted*, That the said corporation may, by that title, sue and be sued in any of the courts of this state, have a common seal, alterable at pleasure, and shall have power to make and enforce all ordinances necessary or useful for opening, laying out, grading, and regulating streets, roads, lanes, and alleys within the limits of said town, and making gutters and curbs, and laying and regu-

lating side and cross walks therein, for assessing the costs and expenses of the same equitably upon the owners of property who may be benefited thereby, and for collecting the amount thereof from the persons against whom such assessment shall be made respectively.

3. *And be it enacted*, That the power to pass and enforce all ordinances requisite to carry into effect the provisions of this act, shall be vested in five supervisors, who shall severally hold their offices for the term of one year and until their successors in office shall be chosen. Supervisors to pass ordinances.

4. *And be it enacted*, That the legal voters residing within the limits of said town shall, at the annual town meeting in North Bergen township, annually elect, by plurality of votes, five supervisors, of which election the clerk of North Bergen township shall give the usual notice, each of whom shall, for the time being, be a resident of said town, and a legal voter of the township of North Bergen; the said supervisors may, for the transaction of the business of the town, appoint a clerk and treasurer, to hold their offices, respectively, during the term of office of the supervisors making such appointments; the treasurer shall, before entering upon the duties of his office, execute and deliver to said supervisors a bond, in such amount and with such sureties as shall be satisfactory to the said supervisors, conditioned for the faithful performance of his duties as such treasurer, which bond shall be taken in the name of the town of Hudson; it shall be filed in the office of the town clerk, and for any forfeiture thereof, suit may be brought, and the amount so forfeited be recovered, with costs, in an action of debt, in any court of record in this state. Election of supervisors in North Bergen.

5. *And be it enacted*, That the inspectors of election and clerk of the township of North Bergen shall also hold the election for supervisors of the town of Hudson, and for that purpose prepare a separate ballot box to receive the votes to be cast at said election for supervisors, and the same shall be conducted in all other respects as the annual elections for township officers are by law regulated; and the said inspectors shall, for such election, be entitled to receive from said town of Hudson the like sums allowed them by law for holding the township elections; no person Supervisors of Hudson.

shall be deemed ineligible to the office of supervisor by reason of his being an inspector or clerk at such town election; the return of the election of supervisors shall be filed in the office of the clerk of the town of Hudson; and no supervisor shall enter upon the discharge of his duties until he shall first have taken and subscribed an oath or affirmation to execute the trust reposed in him, as a supervisor of the town of Hudson, faithfully and impartially, before a justice of the peace of the county of Hudson, and filed the same with the clerk of the township of North Bergen.

Laying out
and regulat-
ing streets.

6. *And be it enacted*, That no ordinance or other proceeding of said corporation shall be valid or take effect, unless concurred in by three, at least, of said supervisors; and whenever any ordinance, opening, laying out, altering, or regulating the grade of any street, road, lane, or alley in said town, shall be passed, a map thereof shall be made, under the direction of said supervisors; and placed in the office of the town clerk, for the inspection of all persons interested in such improvement, and to remain as evidence in all causes and matters relating to such grades, opening, alteration, or regulation.

Payment of
expenses,
how assess-
ed and col-
lected.

7. *And be it enacted*, That for the payment of the expenses incident to said corporation, other than those relating to streets, it shall be lawful for said supervisors, by ordinance, to order a sufficient sum, not to exceed two hundred dollars in any one year, to be levied for that purpose; and the assessor or assessors of the township of North Bergen, on being duly served by a certified copy of such ordinance, shall assess the amount thereof upon the inhabitants and real estate of said town and on the property of non-residents, in the same manner as township taxes are assessed; and the same shall thereupon be assessed, levied, and collected in the same manner, in all respects, as taxes for township purposes are or may be by law authorized to be levied and collected; the township collector shall pay over all such taxes received by him to the clerk of the town of Hudson; the said collector shall proceed, in all things, as by the laws of this state township collectors are bound to proceed, and shall be liable to the same pains and penalties prescribed in similar cases; and such further pro-

ceedings shall thereafter be had, in case of any person being delinquent in paying said taxes, as are or may be prescribed by the laws of this state for the collection of taxes for township purposes; it shall be the duty of every constable to pay over any moneys due the town of Hudson, collected by them upon any tax warrant, to the town clerk.

8. *And be it enacted*, That it shall and may be lawful for the supervisors, in each and every case where improvements shall be prayed for, as herein after provided for, and ordinance passed by the supervisors for that purpose, to appoint three discreet, impartial, and disinterested persons, residents in said town, who shall be duly sworn or affirmed to assess, upon principles of equity and according to the benefit which the owner or owners thereof may derive therefrom, the real estate in said town, for the improvements to be made in the streets, roads, lanes, and alleys, or parts of each, and for grading the same, or any part thereof, and for curbing and guttering, and laying side and cross walks therein, in any part thereof, and for making needful sewers and drains; which said assessment shall include the expenses of making the same, and shall be collected under and by virtue of an order or orders for the purpose, to be awarded and issued by the said supervisors, under their hands and seals, in the nature of a warrant, to distrain and sell the personal estate of the owner or owners of the said real estate so assessed, directed to one of the constables of the said township of North Bergen, whose duty it shall be to return the said warrant to the said supervisors, within thirty days thereafter, with the moneys raised thereupon; and in case the moneys therein required to be made, together with the costs, or any part thereof, (which costs shall be the same as on a tax warrant) cannot be made on the said warrant, the said constable shall return said warrant, with a certificate thereof, within said thirty days to the said supervisors, after which time the supervisors may proceed to enforce the lien, herein after created, upon the said real estate; *provided*, that no assessment shall become final until after notice thereof shall have been published by the said three assessors, by notice in writing set up in three of the most public places in said

Assessments
for improve-
ments.

Proviso.

town, for the space of twenty days, at least, and until the same shall have been confirmed by the said supervisors, of the meeting of which said supervisors like public notice shall be given, and to whom any person aggrieved may at that time appeal for relief; and if, by reason of such appeal, deficiencies shall arise in the amount necessary to complete such assessment, then the same shall be made up, assessed, and collected in like manner; *provided*, that no such assessment shall be made, unless upon petition of, at least, the owners of a majority of the land over which such improvement shall pass.

Proviso.

Commission-
ers to lay
out streets.

9. *And be it enacted*, That the said supervisors, upon like petition, shall, by ordinance, appoint three persons to act as commissioners to lay out or open any street, road, lane, or alley in said town, pursuant to the request of the commissioners; said commissioners shall be discreet, impartial, and disinterested persons, resident in said town, and shall take and subscribe an oath or affirmation to act faithfully and impartially in the premises; they shall cause 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 town, and shall, at the time appointed, view the premises, and hear objections, if any shall be offered, after which, if they, or a majority of them, shall adjudge the laying out and opening of any such street, road, lane, or alley proper and necessary, they shall lay out the same, and make return thereof in writing, under their hands, together with a map containing a particular description by survey of such improvement, and appoint a time therein for opening the same, which map and return shall be deposited in the office of the town clerk, for the inspection of the parties interested; and in case said return shall be confirmed by the supervisors, the same shall be endorsed "confirmed," and being subscribed by the said supervisors, or a majority of them, shall be final and conclusive upon all parties concerned; the said map and return shall then be filed in the clerk's office of Hudson county, and the return recorded by the clerk in the county road book, who shall be entitled to the same fees as for recording the return of the laying out of a public highway; *pro-*

Proviso.

vided however, that no return shall be confirmed until after twenty days' notice of the meeting of the supervisors for that purpose shall be given in writing, and set up in three of the most public places in said town, under the directions of said supervisors, and to whom any person feeling aggrieved may appeal for relief.

10. *And be it enacted*, That the supervisors may, by written order under their hands and seals, cause any street, road, lane, or alley in said town, laid out under this act, to be opened at the time specified by the commissioners for opening the same; and said street, road, lane, or alley shall thereupon be a public highway.

Supervisors
may order
streets laid
out to be
opened.

11. *And be it enacted*, That all assessments which shall be made or assessed upon any real estate in said town by virtue of this act, shall be and remain a lien thereon from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, 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 for the payment thereof, it shall and may be lawful for the supervisors of said town to cause such lands, tenements, or real estate to be sold at public auction, for the shortest time for which any person will agree to take the same, and pay such assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under their hands and seals, a declaration of such sale, and deliver the same to such purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his, her, and their own use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be completed and ended; *provided*, said supervisors shall have first caused such sale to be advertised, by advertisements put up in at least five of the most public places in said town, for the space of sixty days previous thereto, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of assessment thereon; *and provided also*, that the lands, tenements,

Proceedings
in case of
nonpayment
of assess-
ments.

Proviso.

Proviso.

or real estate, so sold, may be redeemed by the owner or owners, or mortgagee or mortgagees thereof, within two years from the date of the sale, on the payment of the amount of the purchase money, with interest at the rate of twelve per centum per annum from the day of sale, and all expenses necessarily incurred thereupon; *and provided also*, that in case the same shall be paid, as herein before provided, by the mortgagee or mortgagees, then and in that case the whole amount of that payment shall be recoverable under and by virtue of the mortgage which said mortgagee or mortgagees may hold upon such real estate, in the same way and manner, in all respects, as if the same were secured by said mortgage.

Penalties,
how recover-
ed.

12. *And be it enacted*, That no penalty for any offence against any ordinance passed by the supervisors, under the provisions of this act, shall exceed the sum of twenty dollars; and all penalties shall be recoverable, with costs, in an action of debt, in the court for the trial of small causes, upon suit brought in the name of the town of Hudson; and all moneys so recovered shall be applied in such manner, for the benefit of said town, as to the said supervisors shall seem proper.

Inhabitants
competent
witnesses.

13. *And be it enacted*, That nothing in this act shall be construed to disqualify any inhabitant of the town of Hudson from giving evidence in any action brought in the name of said corporation, by reason of his being such inhabitant.

When act to
take effect.

14. *And be it enacted*, That this act shall be taken to be a public act, and shall take effect on the second Monday of April next.

Approved March 4, 1852.

CHAPTER LVIII.

AN ACT to incorporate the Burlington County Agricultural Society.

Preamble.

WHEREAS it has been represented to the legislature, that a society for the promotion of agriculture has existed for

some years in the county of Burlington, and has been productive of much good to the farming interests, and the society has reached a position in which it becomes desirable for them to purchase ground and erect buildings for the purposes of the association, and, in order to enable them to accomplish this object, they have petitioned the legislature for a charter of incorporation—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That Jonathan J. Spencer, William N. Shinn, Isaac V. Brown, Charles Ridgway, Joseph F. Burr, Thomas Hancock, Allen Jones, and John Butterworth, of the county of Burlington, and their associates and successors, shall be, and are hereby constituted a body politic and corporate, by the name of “the Burlington County Agricultural Society.”

2. *And be it enacted*, That the said society shall, from General powers. time to time, have power to make, ordain, and establish such constitution, by-laws, and regulations, as they shall judge proper, for the designation of the officers of said society, the election of the same, for prescribing their respective functions, and the mode of discharging the same, and for the transacting, managing, and directing the affairs of the society; *provided*, such constitution, by-laws, and re-Proviso. gulations shall not be repugnant to the constitution and laws of this state and of the United States.

3. *And be it enacted*, That all land or other property Land not to be taxed. which may hereafter be owned by said society, and used for the purpose of promoting the objects of said society, shall not be liable to have any taxes or tax assessed and levied upon it, for any purpose whatsoever; *provided*, that Proviso. such real and personal estate shall not exceed in value the sum of five thousand dollars.

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

Approved March 4, 1852.

CHAPTER LIX.

AN ACT authorizing the enclosure of a certain tract of land, situate in the township of Pequannac, county of Morris, and state of New Jersey, called Toms' Point.

Boundaries
of tract.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may be lawful for the owners and possessors of all that tract of land, situate, lying, and being in the township of Pequannac, county of Morris, and state of New Jersey, generally called, known, and distinguished by the name or appellation of Toms' Point, which said lot of land is included in the following boundaries, to wit: beginning on the bank of the Passaic river, and at the most southerly corner of the lands of the heirs of Thomas Dods, deceased, and at the corner of Peter Speer's land; thence, along their line north, one degree west, fifty-nine chains and forty-seven links, to a black-oak stump; thence north, sixty-eight degrees west, to the public road; thence, along said road to and on the land of James Carmady, or formerly belonging to James Carmady, now in possession of Everett; thence, through the said lands where the fence now stands, to the lands of Simon Van Ness; thence, along his line, to the most southerly corner thereof; thence, a southeasterly direction, across the lands of the heirs of John Mandavill, deceased, to Peter Speer's line; thence along his line, as near as may be the most practicable course, to the Passaic river; thence down the same, the several courses thereof, to the place of beginning, or continuing from the most southerly corner of the lands of Simon Van Ness, as aforesaid, a northwesterly direction, along his line to the line of the lands of the heirs of John Mandavill, deceased; thence, along their line, to the lands of Isaac Mandavill; thence, along his line, to the lands of Peter, John T., and Tunis T. Speer; thence, along their line, to the Passaic river; thence, down the same, the several courses thereof, to the place of beginning, as a majority of them shall consider most advisable, and to enclose the same with a good and lawful fence.

2. *And be it enacted*, That it shall and may be lawful, Election of managers. immediately after the passing of this act, for any one of the owners or possessors of said tract of land to call a meeting of the owners and possessors thereof, by giving each owner or possessor at least five days' notice in writing, or by leaving a notice of such meeting at his, her, or their dwelling houses or usual places of abode; which notice being given, the owners and possessors of said tract of land shall convene at the house now occupied by Cornelius Dey, in the township of Caldwell, pursuant to such notice; and said owners and possessors, or a majority of them, assembled or duly represented at such meeting, shall proceed to elect, by a plurality of votes, three persons, being owners or possessors of some part of said tract of land, as managers, which said managers, so elected, shall continue in office until the first Monday in April, eighteen hundred and fifty-three, or until new managers are elected; and the annual meetings of the owners and possessors of said tract of land may be held on the first Monday of April, in each year afterward, at such places as shall be agreed upon by a majority of the owners and possessors assembled or duly represented at a previous annual meeting, said annual meeting to be held between the hours of one and six o'clock P. M.; and each owner or possessor shall be entitled to one vote for every acre of land owned or possessed by him.

3. *And be it enacted*, That it shall be the duty of the managers, or their successors in office, as soon as conveniently may be after the passage of this act, and immediately after they enter upon the duties of their office, to make a just and equitable allotment of the portion of fence that each owner or possessor of any part of said lot or tract of land described as aforesaid, their heirs or assigns, ought to make, allotting to each, as nearly as conveniently may be, the portion of said fence that he, she, or they, or the persons under or from whom he, she, or they hold, derive, or claim title, have heretofore made, amended, or kept in repair; which said allotments, plainly and distinctly described, shall be entered in a book of their proceedings, to be kept by the said managers. Managers to make allotment of fence to be made by owners.

4. *And be it enacted*, That the said managers, or their

Managers to
make exami-
nation of
present fen-
ces.

successors in office, shall also, with all convenient despatch, make a careful examination of the fences now constituting the enclosure of said tract of land, and shall make separate, just, and equitable valuations and appraisements of the several portions thereof made by the present owners or possessors of parts of said tract of land, or by those under whom they hold, derive, or claim title respectively, and shall enter such valuations in their said book of proceedings, designating distinctly the appraised value of the portions of each of said owners or possessors of the said fence heretofore made as aforesaid.

Apportion-
ment of ex-
pense.

5. *And be it enacted*, That the said managers, or their successors in office, shall make a careful account and estimate of the sum of money necessary to be raised, in order to enclose, by a good and substantial fence, lawful according to the act of the legislature of this state respecting fences, the said tract of land; and shall thereupon apportion said sum of money among the said several owners or possessors of said tract of land equitably, according to the portions of said fence which by the apportionment aforesaid it shall appear they ought respectively to make as aforesaid, thereby ascertaining the amount to be paid by each of the owners or possessors of parts of said tract of land towards the expense of said enclosure, if he, she, or they shall neglect to make his, her, or their portion of said fence, as herein after mentioned; which said proceedings shall also be plainly and distinctly entered in the said book to be kept by said managers, as aforesaid.

Owners to
be notified.

6. *And be it enacted*, That the said managers, or their successors in office, shall cause notice in writing, signed by them, or any one of them, to be served on the said owners or possessors respectively, by delivering the same to them, or leaving the same at their respective dwelling houses or usual places of abode, designating the portion of the fences aforesaid, which, according to the allotment aforesaid, ought to be made by said owners or possessors, their heirs or assigns, respectively, and also the amount of the valuation of the part of the fences now constituting the enclosure of said tract of land made by such owners or possessors, or the person or persons under whom they hold, derive, or claim

title, the sum of money estimated by said managers as being necessary to be raised in order to enclose the said tract of land by good, substantial, and lawful fence, as aforesaid, and also of the apportionment made of the said sum of money among said owners and possessors, and of the sum of money to be paid by them, respectively, towards the expense of said enclosure, in case such owner or owners, possessor or possessors, shall neglect to make his, her, or their portion of said fence, as herein after mentioned, and requiring said owners or possessors to make their portion of said fence, allotted to them as aforesaid, within thirty days after the service of said notice.

7. *And be it enacted*, That if the said owners or possessors, or any of them, their heirs or assigns, shall neglect, for the space of thirty days after service of the notice aforesaid, to make the portion of the said fences, in manner aforesaid, which ought to be made by him, her, or them, according to the allotment aforesaid, then that such owners or possessors so neglecting, their heirs, executors, administrators, or assigns, shall be liable to pay to said managers, or to their successors in office, the sum ascertained by the said managers as aforesaid, to be paid by said owners or possessors, respectively, in case of their neglecting to make their portions of said fence as aforesaid; and the said managers, or their successors in office, may thereupon sue for and recover the same, in their own names, in an action of debt, before any court having cognizance thereof; *provided*, Proceedings in case of neglect to make fence. that it shall be lawful for any owners or possessors neglecting to make their portion of said fences, as aforesaid, at any time before suit brought, to give notice in writing to said managers, or their successors in office, that they intend to abandon any claim to their portion of said fence now constituting the enclosure of said tract of land, and thereupon the sum at which such fence has been valued, as aforesaid, shall be deducted from the sum to be paid by such owners or possessors towards the expenses of said enclosure; and such fence shall thereupon become the property of such managers, the said value thereof to be accounted for by them as for so much money received.

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

Money received, how applied.

managers and their successors to apply all moneys received by them, from any owners or possessors neglecting as aforesaid, to making the portions of said fence allotted to said delinquent owners or possessors respectively.

Description of fence.

9. *And be it enacted*, That the fence enclosing said tract of land shall be of the height and description declared lawful by the act of the legislature of this state entitled, "An act regulating fences."

Managers to keep fences in repair.

10. *And be it enacted*, That when said enclosure shall have been completed, as herein before mentioned, it shall be the duty of the said managers and their successors in office, from time to time and at all times, to make, maintain, amend, and to keep in good order the whole of the fences, swing-gates, and any other erections constituting said enclosure, so that the same shall, at all times, be of the height and description herein before mentioned.

Annual assessment to be made.

11. *And be it enacted*, That, in order to provide funds for making, maintaining, amending, and keeping in repair the said enclosure, and the swing-gates or other erections necessary to the same, it shall be lawful for said managers and their successors, once in each year, to make an assessment of the amount or sum of money necessary for those purposes, and to ascertain and determine the quota or sum which each of the owners or possessors of lands within said enclosure ought to pay of the same, and also to enter the same plainly and distinctly in the book to be kept by said managers as aforesaid; and the said owners or possessors shall thereupon, respectively, be liable to pay to said managers, or their successors in office, their respective quotas, so ascertained and entered in said book; and the said managers, or their successors in office, may sue for and recover the same, in their own names, in an action of debt, before any court having cognizance thereof; *provided*, that at least thirty days before any action shall be brought, in virtue of the preceding section, against any owner or owners, possessor or possessors, their heirs, executors, administrators, or assigns, the said managers, or their successors in office, shall cause notice in writing, signed by them, or one of them, of the said assessment, and of the amount of the quota thereof to be paid by such owner or owners, pos-

Proviso.

essor or possessors, and requiring payment thereof to be made to said managers, or their successors, or to one of them, to be served on such owner or owners, possessor or possessors, his, her, or their heirs, executors, administrators, or assigns, by delivering the same to him, her, or them, or leaving the same at his, her, or their usual place of abode.

12. *And be it enacted*, That if any of the owners of lands within said enclosure are not known, or cannot conveniently be found, it shall be lawful, instead of serving the notices and demand herein before mentioned, as herein before directed, to set up copies thereof in three public places in the neighborhood of said tract of land for the space of thirty days, and such owner or owners shall thereupon be bound and liable, and may be sued and proceeded against, in the same manner as if the said notices had been duly served as herein before directed; and further, that it shall be lawful for any justice of the peace of the county of Essex or Morris, upon application of said managers, or their successors in office, and the sum which ought to be paid by such owner or owners not known or not conveniently to be found, being duly verified and ascertained, to issue his warrant or process authorizing any constable of said county of Essex or Morris to enter upon the land of such owner within said enclosure, and make any such sum of money, by sale of the wood and timber, grass or herbage, lying, standing, and growing therein, together with the reasonable costs of such proceedings, to be ascertained by said justice giving notice of any such sale, in the same manner as is directed in case of executions issuing out of the courts for the trial of small causes.

13. *And be it enacted*, That in case it shall appear, by the return made to any execution issued upon any judgment recovered under the provisions of this act, that sufficient goods and chattels of the defendant or defendants cannot be found whereof to make the debt and costs mentioned in such execution, that then it shall be lawful for the court wherein such judgment is recovered to issue, or cause to be issued, an execution commanding the proper officer to levy and make the said costs, or any part thereof remaining unpaid, by sale of any wood, timber, grass, or

Proceedings
in case owners
are unknown, &c.

Produce of
land may be
sold to satisfy
execution.

herbage lying or standing and growing upon the land of the defendants within said enclosure, notice of the sale whereof shall be given, as in case of the sale of goods and chattels under executions; and the purchaser and purchasers, under the authority of this and the next preceding section, shall have the right to enter upon the lands, and remove, or cut down and remove, the wood, timber, grass, and herbage purchased, at any time from the time of the purchase, without hinderance or interruption.

Division fences.

14. *And be it enacted*, That in all cases where the said tract of land adjoins any enclosed lands, the owners or possessors of such enclosed lands shall be subject and liable to make one half of the division fence, in manner aforesaid, according to the laws of this state in such case made and provided; and in case any such owners or possessors shall neglect to make his, her, or their just proportion of such division fence, then it shall be lawful for said managers, and their successors in office, to proceed in the manner directed by the act of the legislature of this state entitled, "An act regulating fences," and the said managers, and their successors, shall be entitled to all the remedies provided and given by said act.

When lands may be pastured.

15. *And be it enacted*, That the said owners or possessors of said tract of land present at any annual meeting, or their legal representatives, may, by a plurality of votes, agree to pasture the aforesaid tract of land any time between the first day of April and the first day of December, in any year, and at no other time, and that they may, by such plurality of votes, agree to and pass any by-laws consistent with this act, which agreement and by-laws shall be fairly and distinctly entered in said book of proceedings of the managers, and shall be binding until the next annual meeting, or until new managers are elected, and no longer; and each owner or possessor shall be entitled to one vote for every acre of land owned or possessed by him.

Penalty for injuring works.

16. *And be it enacted*, That if any person or persons shall, at any time, wilfully open or break down any fence, or any swing-gate, or other erection made for the purpose of enclosing said tract, or shall, in any way, wilfully injure or destroy any such fence, swing-gate, or other erection, or

violate any of the by-laws aforesaid, such person or persons shall, for every offence, forfeit and pay the sum of ten dollars, to be recovered by action of debt, in any court having cognizance thereof, with costs of suit, in the names of the managers, or their successors in office.

17. *And be it enacted*, That all penalties and damages, Penalties, how appropriated. recovered by virtue of this act, shall be appropriated to the making, erecting, and maintaining swing-gates, the keeping of said enclosure in good order and repair, and to such other expenses as necessarily result from carrying into effect the provisions of this act.

18. *And be it enacted*, That the said managers shall, at Annual statement to be made. all times, keep accurate, just, and true accounts of all moneys collected and received by them, and of all expenditures by them made, and shall, at each annual meeting, submit their accounts of such receipts and expenditures to the examination of said meeting, and shall pay over to their successors in office all surplus or sum or sums remaining in their hands unexpended, and shall, on demand, deliver to their successors in office the books by them kept, immediately on their going out of office; and if any manager shall offend against the provisions of this section, he shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be sued for and recovered, in an action of debt, in the name of their successors, in any court having cognizance thereof, with costs, to be appropriated, when recovered, to the purposes contemplated by this act; and that if any manager shall wilfully neglect to perform any other duty required of him by this act, he shall forfeit and pay the sum of ten dollars, to be recovered in an action of debt, with costs, in any court having cognizance thereof, by any person, being the owner of land within said enclosure, who will sue for the same, and to be appropriated, when recovered, in manner aforesaid.

19. *And be it enacted*, That said managers shall receive Compensation to managers. such reasonable compensation for their services, as by the said owners and possessors, at their annual meetings, shall, from time to time, be agreed upon and allowed.

20. *And be it enacted*, That if it shall at any time here- Managers may make new allotment. after become necessary to make a new allotment of the ex-

penses requisite for keeping the said tract of land enclosed as aforesaid, it shall be lawful for the managers to make such new allotment, and the same, when made, shall be entered in manner aforesaid, and shall be proceeded upon, in all respects, as herein before mentioned and directed.

Books of proceedings to be evidence.

21. *And be it enacted*, That the said books of their proceedings, to be kept by said managers, as herein before mentioned, shall be received in all courts and places as evidence of all the proceedings of said managers and of the said annual meetings, by this act directed to be entered in said books of proceedings; and that in all proceedings where the service or setting up of notice or notices, in pursuance of the provisions of this act, shall come in question, the testimony of said managers shall be deemed competent touching the service or setting up of such notice or notices, notwithstanding they, or any of them, shall be parties to such proceedings.

Former acts repealed.

22. *And be it enacted*, That all acts of incorporation, which may have been passed relating to the enclosure of the aforesaid tract of land, are hereby repealed.

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

Approved March 4, 1852.

CHAPTER LX.

AN ACT to incorporate the Somerville Aqueduct Company.

Commissioners to open books of subscription.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That subscription books to the capital stock of the Somerville Aqueduct Company may be opened within six months after the passing of this act, by George H. Brown, William G. Steele, Culver Barcalow, Hugh M. Gaston, and Joshua Doughty, who are hereby appointed commissioners to receive subscriptions of the

said stock, at such times and places as they, or a majority of them, shall direct, giving notice thereof, at least twenty days prior to the opening of the said books, in all the newspapers in the county of Somerset.

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with the privilege of increasing the same to twenty thousand, to be divided into shares of fifty dollars each; and when two hundred shares are subscribed for, the persons holding the same, their successors and assigns, shall be, and they are incorporated into a company, by the name of "the Somerville Aqueduct Company;" and, by that name, shall be capable of purchasing, or of otherwise becoming seized and possessed of, holding, and conveying, real and personal estate, and of using, selling, hiring, and renting, and otherwise disposing of, the water they may raise and procure; shall have power to make, use a common seal, and the same to alter; and by said corporate name to sue and be sued; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary to promote and effect the object of this corporation, which is hereby declared to be the supplying the town of Somerville with pure and wholesome water.

3. *And be it enacted*, That at the time of subscribing for the said stock, two dollars on each share shall be paid, or secured to be paid, to the said commissioners, or to some one of them, in such mode as the commissioners, in their discretion, shall direct, which money and securities shall be paid and delivered over to the treasurer of the said company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in such instalments, at such times and places, and to such person or persons, as the president and directors of the said company shall from time to time direct, by notices published for three weeks, successively, in such newspaper or newspapers as may be published in the town of Somerville aforesaid; and upon failure of payment thereof, as so directed, the president and directors shall have power to forfeit the share or shares of each and every person so failing to pay the said instalments, or any one of them, for the use of the said company.

Annual election of directors.

4. *And be it enacted*, That when two hundred and fifty shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, by advertising the same in the newspapers published in Somerville; at which meeting, the subscription books shall be laid before the stockholders, who shall thereupon elect, by ballot, seven directors, a majority of whom shall be residents in Somerville, to manage the affairs of the said company for one year, of which election some discreet person, to be chosen by the said commissioners, or by a majority of them, shall be the judge; and at the expiration of that term, and annually thereafter, at a day and time to be designated, and upon like notice to be given by the said directors for the time being, or a majority of them, the said stockholders shall elect the same number of directors, a majority of whom shall be residents in Somerville, as aforesaid; and in all cases of elections, the stockholders may vote either in person or by proxy, and each stockholder holding one share shall have one vote, each stockholder holding five shares two votes, and an additional vote for each succeeding five shares.

Election and duties of president.

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

Charter not avoided for failure to elect on day prescribed.

6. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time spec-

cified therefor, this charter shall not be avoided thereby, but the same may be made at any time, on notice as aforesaid, and until such election is had, the officers previously elected by the stockholders shall continue to hold their respective offices until others are elected in their stead.

7. *And be it enacted*, That four directors, with the president, shall be a quorum for business; and the said directors, or a majority of them, shall have power to supply any vacancy in their body occurring between the annual elections, by death, removal, or refusal to act; and to appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation, respectively, as they may determine on, and to exact from them, respectively, due security; to regulate and assess the tolls, taxes, and water rates to be paid to and levied by the said company; to have the superintendence and direction of all the effects, receipts, disbursements, and other affairs of the said company, and to make, prescribe, and enforce such ordinances and by-laws as they may deem necessary and expedient to govern the conduct of all persons with whom they may contract for a supply of water from their works, in order to regulate the use of the said water, and to preserve the same from waste, and, by such ordinances and by-laws, to impose penalties and forfeitures for a breach thereof, or for a neglect or refusal to comply therewith; *provided*, such penalty or forfeiture shall not in any one case exceed the sum of five dollars; *and provided* also, the said by-laws and ordinances shall be published, for two weeks successively, in one or more newspapers published in Somerville, before any attempt shall be made to enforce the same; which penalties and forfeitures shall be recoverable, in the name of the said company, before any justice of the peace of the county of Somerset, with costs, in an action of debt, as well from any stockholder of said company as from any other person; and to enable, prescribe, and enforce such by-laws and ordinances as they may deem expedient for regulating the transfer of stock and for the general government of the company and the management of its affairs; *provided*, the same be not re-

Powers and
duties of di-
rectors.

Proviso.

Proviso.

Proviso.

pugnant to the constitution and laws of this state or of the United States.

Company
authorized
to construct
works.

8. *And be it enacted*, That it shall and may be lawful for the said company to erect, upon the most eligible site, all the works necessary to promote and effect the object of this incorporation, and to take from the same so much water as may be necessary for the purposes aforesaid; and to excavate, embank, and construct a reservoir of such size, capacity, and materials, as the said directors, or a majority of them, may deem necessary, and the same to repair, alter, and extend, the consent of the owner or owners of the property to be taken to be first obtained; and to lay, sink, and extend their pipes, conduits, and branches through any lands that may be, by the said directors, or a majority of them, deemed necessary for the purposes aforesaid, and the same to repair, alter, and remove, first giving notice in writing of their intention to the owner or owners, or persons interested, or to the guardian or guardians of any minors who may be interested, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands or waters that may be occupied, injured, or affected by the construction of the said works and reservoirs, the laying, sinking, and extending of the pipes, conduits, and branches, and the direction and use of the said waters, according to a reasonable agreement between the parties; but in case of disagreement between the parties, as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each, to choose a reputable freeholder, not stockholders in the said company, and they two a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid for the damages aforesaid, shall be conclusive; and in case such owner or owners, guardian or guardians, or person or persons interested, shall neglect or refuse, for the space of fifteen days after such notice in writing given to choose a person as aforesaid, or cannot be found in the state of New Jersey to be served with notice as aforesaid, then it shall be lawful, on the application of the said company or their officers, for any justice of the peace of the county of Somerset, not interested,

Proceedings
in case of
disagree-
ment be-
tween par-
ties.

to issue his venire, directed to any constable of said county, commanding him to summon twelve good and lawful men of the county, qualified to act as jurors, not being members or stockholders of the said company, nor interested therein, who, having been duly sworn, by and before the said justice, justly and truly to assess the said damages, upon examining the lands and premises, and the facts disclosed by the evidence produced before them by the said company or its officers, in the presence of the said justice, shall find and assess such damages as to them shall appear just and reasonable; which assessment shall be entered by the said justice in his docket, and shall be conclusive between the parties.

9. *And be it enacted*, That it shall and may be lawful for the said company to lay, sink, and extend their said pipes, conduits, and branches through such of the highways and streets of the said town of Somerville, as the said directors, or a majority of them, may deem advisable and necessary; and for that purpose, and whenever it may be necessary to alter, remove, or repair the same, to dig, excavate, and remove so much of the said soil and earth as may be necessary to restore the said streets and highways to their former condition, shall be replaced at the expense of the said company, as soon as may be compatible with a judicious prosecution of the said work. Pipes, &c., may be laid through sts.

10. *And be it enacted*, That if any person or persons shall wilfully injure, destroy, or obstruct the pipes, conduits, branches, machinery, fixtures, or works of the said company, such person or persons so offending shall pay to the said company triple the amount of the damages sustained by the said company, to be by them recovered, with costs, in any court of competent jurisdiction. Penalty for injuring works.

11. *And be it enacted*, That the stock of the said company shall be considered personal property; and it shall be lawful for the said directors, or a majority of them, to make dividends of so much of the profits of the said company as shall appear advisable from time to time. Dividends.

12. *And be it enacted*, That it shall not be lawful for the said company to use their funds, or any part thereof, in banking operations. Not to engage in banking.

Limitation. 13. *And be it enacted*, That this act shall go into effect immediately, and continue for twenty years, unless sooner repealed.

Approved March 5, 1852.

CHAPTER LXI.

A supplement to an act entitled, "An act for the relief of creditors against corporations."

Actions not
to abate by
reason of
dissolution
of corpora-
tion.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in any action, now depending or to be commenced in any court of record of this state, against any corporation now or heretofore existing, or that may be created hereafter, if said corporation become dissolved, by the expiration of its charter or otherwise, before final judgment obtained therein, the said action shall not abate by reason thereof; but the dissolution of said corporation being suggested, and the names of the trustees of said corporation being entered upon the record, the said action shall proceed to final judgment against the said trustees, by the name of the corporation.

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

Approved March 5, 1852.

CHAPTER LXII.

A further supplement to the act entitled, "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons, formed and organized under the act to which this is a supplement, to deposit, in addition to the stocks mentioned in said act, and the supplement thereto, the stock of the state of Virginia, bearing interest not less than six per cent., as a basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking.

Virginia
state stock
may be de-
posited.

Approved March 5, 1852.

CHAPTER LXIII.

A supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, Anno Domini one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at town meetings shall have full power and authority, and shall be required, at their annual meetings in the counties of Burlington, Somerset, and Warren, to elect, for each township in said counties, but one chosen freeholder, instead of two, as now authorized by law.

One chosen
freeholder
to be elect-
ed.

2. *And be it enacted*, That the persons qualified to vote at the annual town meetings in said counties shall have full power and authority, and shall be required, at their re-

Township
committee.

spective annual meetings in the counties of Burlington and Somerset, to elect for each township in said county three persons, who shall be denominated "the township committee," a majority of whom shall be a quorum, instead of five, now authorized by law.

Freeholders
and commit-
tee, how
elected.

3. *And be it enacted*, That the chosen freeholder elected in each township of the county of Warren, and the chosen freeholder and members of the township committee elected in each township of the counties of Burlington and Somerset, after the passing of this act, shall be elected in the same manner and for a like term as the chosen freeholders are now authorized to be elected in such townships, and shall be invested with the same powers, and enjoined to perform the same duties, as said officers are invested with or enjoined to perform by the laws of this state.

Erection or
repairs of
bridges over
\$50..

4. *And be it enacted*, That when it shall be necessary to erect, repair, or rebuild any bridge in a township in the counties of Burlington, Somerset, or Warren, or between any two townships in said counties, the expense whereof shall exceed fifty dollars, and be less than five hundred dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or of either of the overseers of the highways of the adjoining townships, to give notice thereof in writing, under his hand, to three chosen freeholders of said counties nearest said bridge or proposed bridge; *provided*, the chosen freeholders of the townships in which said bridge is proposed to be erected, repaired, or rebuilt shall be of the number, and in such notice to appoint the time and place of their meeting for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order, if they think proper, the said bridge to be built, repaired, or rebuilt, and to superintend and contract for the doing thereof, and for defraying the expense thereby incurred; the director of the board of chosen freeholders shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of moneys in his hands.

Proviso.

Erection or
repairs of
bridges un-
der \$50.

5. *And be it enacted*, That when it shall be necessary to erect, rebuild, or repair any bridge, in a township in the

counties of Burlington, Warren, and Somerset, or between any two townships in said counties, the expense whereof shall not exceed fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the chosen freeholder within whose limits and division the same may be, and the chosen freeholder of one of the adjoining townships, or, in case of a vacancy, two chosen freeholders of the adjoining townships nearest the location of said bridge or proposed bridge, to direct such bridge to be built, rebuilt, or repaired, and to superintend and contract for the doing thereof; and for defraying the amount of said expense, not exceeding the sum aforesaid, the director of the board of chosen freeholders shall draw on the county collector, who is hereby authorized and directed to pay such order out of any moneys in his hands.

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

Approved March 5, 1852.

CHAPTER LXIV.

AN ACT to protect fish in the Collvers or Round pond and in the Long pond, and in lake Hopatcong, in the counties of Sussex and Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or persons shall be permitted to catch, kill, or otherwise destroy, any fish in the Collvers or Round pond, nor in the Long pond, in the township of Frankford, county of Sussex, in this state, between the first day of November and the first day of May, nor in the lake Hopatcong, in the counties of Sussex and Morris, between the fifteenth day of February and the fifteenth day of May, in each and every year, under the penalty of ten dollars for each and every offence, to be re-

Fish not to be taken between certain periods.

covered; in an action of debt, in any court of competent jurisdiction, with costs of suit, by any person who will sue for the same, the one half thereof for his own use, and the other half for the use of the poor in said township.

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

Approved March 5, 1852.

CHAPTER LXV.

AN ACT to incorporate the Keyport and Middletown Plank Road Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Henry H. Seabrook, David Warner, Alfred Walling, Ezra A. Osborn, William H. Hendrickson, De La Fayette Schenck, and Elijah Stout, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Keyport and Middletown Plank Road Company," and by that name they and their successors shall be known in law.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be thirty thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct.

Commission-
ers to receive
subscrip-
tions.

3. *And be it enacted*, That Henry H. Seabrook, David Warner, Alfred Walling, Ezra A. Osborn, William H. Hendrickson, De La Fayette Schenck, and Elijah Stout, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation; and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription at such times and places in the county of Monmouth, as they, or a majority

of them, shall appoint, giving twenty days' notice of such times and places in two of the newspapers published in Monmouth county, and in such other newspapers as the said commissioners, or a majority of them, shall deem advisable; and at such times and places, so fixed, the said commissioners, or a majority of them, shall attend, and receive subscriptions to the capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, two dollars and fifty cents on each share subscribed shall be paid to the said commissioners, in gold or silver or legal and current bank notes, and the residue may be called in, and shall be paid at such times and in such amounts, by instalments, as is by this act herein after directed.

4. *And be it enacted*, That whenever there shall be three hundred shares of the said stock subscribed, and seven hundred and fifty dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in one or more newspapers of this state, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect by ballot, from among the stockholders, seven directors, a majority of whom shall be citizens and residents of this state, and hold their offices for one year and until others are elected; and each stockholder, at such election and at all future elections of said corporation, shall have one vote for each share he, she, or they shall own at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose. Election of
first directors.

5. *And be it enacted*, That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation by instalments, not exceeding two dollars and fifty cents on each share, by giving notice for thirty days of such required instalments Payment of
instalments.

in one or more newspapers published in Monmouth county; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she, or they so neglecting or refusing shall forfeit their stock, and all payments made thereon.

Commissioners to pay over money.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they, or a majority of them, shall direct, all money which they have received for the subscriptions to said capital stock, first deducting therefrom all expenses which they have incurred for books, printing, or other expenditures, and the sum of one dollar and fifty cents per day, for each and every day they have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held, at such time and place as their by-laws shall direct, for directors of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day or at the time 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 elections may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Officers of company.

8. *And be it enacted*, That the board of directors, so chosen as aforesaid, shall and may elect, out of their own body or from among the stockholders, a president, who shall be a resident of this state, and hold his office for one year; also, a vice president, secretary, and treasurer, who shall hold their offices for one year; also, to appoint such subordinate officers, agents, engineers, and workmen as the business of the corporation shall require, and fix their compensation; also, to make and establish such by-laws for the management of their property, regulation of their affairs, and for the transfer of their stock, as they shall deem proper, provided they are not inconsistent with the constitution or laws of the United States or of this state.

9. *And be it enacted*, That the president and directors

of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road, not exceeding fifty feet in width, to be formed with one or two tracks of eight feet wide, each, of substantial plank or timber, laid down in a firm and workmanlike manner, and to keep the same at all times in good repair, so as to present a firm, smooth, and even surface at all seasons of the year, to commence in the village of Keyport, in the township of Raritan, and thence passing in the most eligible route to its point of termination, at or near the village of Middletown, in the township of Middletown, in the county of Monmouth; 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, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed 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 construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided* Description of road. *always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of such lands be first had and obtained. Proviso.

10. *And be it enacted*, That if the owners of the land on which such road shall be located, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be Proceedings in case owners of land and company cannot agree.

the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested and impartial commissioners, freeholders of this state, to assess the price or value of such land, and all damage sustained, who shall be sworn, before some officer authorized by law to administer an oath, faithfully to execute the duties of such appointment; and, after ten days' notice in writing 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 award and decision, together with a description of 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 justice 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 in which said lands lie, there to be recorded and 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 circuit court of the county in which said lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceedings 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 the common form for the 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 for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find the same or a greater sum than the said commissioners, then judgment shall be given, with costs, against said company, and execution issue, 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 of all such lands and real estate, so appraised as aforesaid, for the purposes of said road.

11. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said 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 which proceedings, as well under this, as the last 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 justice shall and may direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

12. *And be it enacted*, That if the said plank road should not be commenced within two years, and completed within six years after the passage of said act, then and in that case said act shall be null and void.

13. *And be it enacted*, That whenever three miles of said plank road are completed, the said company may erect gates and turnpikes across the said road, and demand and receive toll for each mile of the said road so made, 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,	one cent.
For every dozen of calves, sheep, or hogs, and so in proportion for a greater or lesser number,	five cents.

For every dozen of horses, mules, or cattle, and so in proportion for a greater or lesser number, ten cents. And it shall be lawful for any tollgatherer to stop any horse, mule, calves, sheep, hogs, carriage of burthen or pleasure, from passing through any of the said gates or turnpikes, until the toll, as above specified, has been paid for them respectively.

Mile stones
or posts to
be erected
and main-
tained.

14. *And be it enacted*, That before the said company shall demand or receive toll for travelling 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 the point of the commencement of said road in Keyport; and shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Penalty for
injuring
works.

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 shall wilfully cut, break down, destroy, or deface, or otherwise injure, any gate, turnpike, bridge, machinery, timber, or plank, that shall be erected, built, placed, or laid down in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at the gates or turnpikes, such person or persons shall forfeit and pay a fine of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit; and if any person shall, with his team, carriage, or horse, turn out of said road to pass a gate or gates, 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, to their use, in an action of debt, with costs of suit.

Penalty for
obstructing
passage.

16. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, 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 or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars, to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered by an action of debt, with costs of suit.

17. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall demand and receive more toll than 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 use of the person so unnecessarily hindered or defrauded. Penalty for delaying travellers.

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

Approved March 5, 1852.

CHAPTER LXVI.

A supplement to an act entitled, "An act to incorporate the Westfield and Camden Turnpike Company," approved February twenty-eighth, one thousand eight hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Westfield and Camden Turnpike Company are hereby authorized and empowered to extend their turnpike road from its present terminus at Pennshawkin creek, in the county of Camden, along the main public highway to Bridgeborough, in the county of Burlington, crossing the public bridge over said creek; also to construct and make a branch turnpike along the public road from the Five points above the Pennshawkin creek aforesaid, to intersect the road leading from Westfield to Moorestown, with the same rights and privileges, and un- Company authorized to extend road.

Proviso.

der the same restrictions, as are provided in the act to which this is a supplement; *provided*, that the said company shall first pay to the boards of chosen freeholders of the counties of Burlington and Camden the price and value of said bridge, as the same may be agreed upon between the company and the said boards of chosen freeholders, respectively; and in case the said company cannot agree upon the price of said bridge, with either of the said boards of chosen freeholders, then it shall be lawful for the said company and the board disagreeing with them, each, to choose one disinterested person, which two persons shall have power to choose a third person, if necessary; and it shall be the duty of the three persons, thus chosen, to assess one half of the value of the said bridge, and certify the same under their hands to the parties who shall appoint them; and the assessment thus made shall be binding upon said parties, upon payment whereof, the said bridge shall become the property of said company.

Gates or
turnpikes
may be erect-
ed.

2. *And be it enacted*, That when two continuous miles of said road shall be completed, it shall and may be lawful to erect gates or turnpikes across the same, and receive toll for travelling thereon.

Capital stock
may be in-
creased.

3. *And be it enacted*, That it shall and may be lawful for the board of directors of the Westfield and Camden Turnpike Company, at any time, to increase their capital to any sum not to exceed the sum of twenty thousand dollars.

Approved March 5, 1852.

CHAPTER LXVII.

AN ACT explanatory of the act entitled, "An act relative to officers' commissions and resignations," approved April sixteenth, eighteen hundred and forty-six.

Prosecutors
not required
to reside in
county.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That nothing in the first sec-

tion of the act, to which this a supplement, shall be so construed as to require that prosecutors of the pleas of the state shall be resident in the county for which they may be appointed.

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

Approved March 6, 1852.

CHAPTER LXVIII.

AN ACT to annex part of the township of Mansfield to the township of Oxford, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Mansfield lying north of the following described line, to wit: beginning at a point where the Hope and Oxford lines strike the line of the township of Mansfield, and running from thence to the southwest corner of the Warren county poor-house farm; from thence a straight line to the southwest corner of lands of John Pearson, jun., in the line of the townships of Washington and Mansfield, on the west side of the road leading from Port Colden to Oxford furnace; from thence northerly, along the line of said townships of Washington and Mansfield, till it strikes the Oxford line, be, and the same is hereby set off and annexed to the township of Oxford, in the county of Warren.

Boundaries
of part to
be annexed.

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

Approved March 6, 1852.

CHAPTER LXIX.

AN ACT to authorize the sale of one half or the lower portion of Burlington, or Matinicumk island.

Preamble.

WHEREAS the city of Burlington, from time immemorial, has been the owner and in the possession of Burlington, or Matinicumk island, and the income arising from the same has been appropriated towards the support of common schools; and whereas, by reason of expensive embankments and unavoidable casualties, a property valuable in itself is comparatively unproductive, yielding an income not commensurate with its great value, or materially aiding the important cause which the grant was designed to foster; and whereas the experience of one hundred and fifty years of renting and leasing has fully demonstrated that property exposed, as this is, to floods and other casualties, can neither be perfectly protected or improved by its present mode of management and proprietorship; and whereas the people of the city of Burlington, in their several legal town meetings assembled, and after referring the subject to a competent committee, who fully reported on the same, on full and ample discussion, by a very decided expression of opinion, advised and resolved that a sale of a part of said island was highly desirable and expedient, calculated as well to promote the best interests of the city of Burlington as of the cause of education, and resolved that application be made to the legislature of this state for authority to sell a part of the same—therefore,

Mayor and president of common council authorized to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of the said city of Burlington, under his hand and the official seal of said city, and the president of the common council for the time being of said city, for and in behalf of the people of the city of Burlington, be, and they are hereby respectively authorized and empowered to sell and convey in fee simple, by good and sufficient deeds of conveyance, under their said respective hands and seals, one half or the lower portion of Bur-

lington, or Matinicum island, containing about one hundred and fifty acres, more or less, to the highest bidder at the public sale herein after authorized, for not less than the sum of twenty thousand dollars; and the money arising from said sale and conveyance, or the securities received in lieu thereof, shall be deposited with the treasurer of the managers of the school fund for the education of youth in the city of Burlington, subject to the provisions of the act incorporating the said managers and treasurer, and also to the uses, intention, and design of the proprietors of the western division of New Jersey, in appropriating said Matinicum island, or the proceeds thereof, to the town of Burlington, for school purposes for ever.

2. *And be it enacted*, That the president of the common council and the mayor of the city of Burlington are hereby authorized and directed to fix upon a time and place of public sale of the one half of said island, by advertising the same in at least two of the daily newspapers in the city of New York, two of the daily papers in Philadelphia, in one of the Trenton city papers, and in the several newspapers of the county of Burlington, for at least thirty days previous to the time fixed upon for the day of sale.

Approved March 6, 1852.

CHAPTER LXX.

AN ACT relative to foreign judgments.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit brought upon a foreign judgment, or a judgment of any court out of this state, it shall be lawful for the defendant, or person sought to be affected by such judgment, to show that the defendant therein was not summoned, did not appear, or was not within the jurisdiction of such foreign court, notwithstanding

Proceeds of
sale, how
disposed of.

Sale to be
advertised.

Defendant
may show
that he was
not summoned.

ing it may be recited in the record of such proceedings that he was summoned or did appear, or was within the jurisdiction of such court; and such recital shall not conclude said defendant, or stop him from proving that the same is not true.

Approved March 6, 1852.

CHAPTER LXXI.

A further supplement to the act entitled, "An act relative to fishing in Oldman's creek, in the counties of Salem and Gloucester," passed March fifth, eighteen hundred and thirty-six. . .

Persons
owning land
on creeks
exempt from
operation of
act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That neither the act to which this is a supplement, nor the supplement to said act, approved March thirteenth, eighteen hundred and forty-five, shall be construed so as to apply to persons owning lands lying on Oldman's creek or Beaver creek, in the counties of Salem or Gloucester, taking shad or other fish on or opposite to their own lands.

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

Approved March 6, 1852.

CHAPTER LXXII.

A supplement to the act entitled, "An act respecting public schools in the township of Salem, in the county of Salem," approved February twenty-eighth, one thousand eight hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sums of money authorized by the first section of the act, to which this is a supplement, to be raised for the purposes therein expressed, shall not, when added to the interest on the surplus fund received by said township and the state apportionment of the school fund, amount to more than two thousand dollars in any one year. Money raised not to exceed certain amount.

2. *And be it enacted*, That so much of the said act, to which this is a supplement, as limits the sums to be raised to the amount of fifteen hundred dollars annually, be, and the same is hereby repealed. Part of former act repealed.

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

Approved March 6, 1852.

CHAPTER LXXIII.

AN ACT to authorize the partition of lands, in cases where particular undivided shares therein are limited over.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That partition of lands, held by coparceners, joint tenants, or tenants in common, may be made by any court or jurisdiction now having authority to make partition of lands, on any proceeding now authorized for that purpose, notwithstanding the share held by any copartner, joint tenant, or tenant in common may Partition of lands, how made.

be for a less estate than a fee, or may be limited over after an estate for life, or any estate therein; and such partition shall bind all tenants of such share, in remainder, reversion, or expectancy, who shall be entitled only to that part of the lands partitioned as may be set off in severalty to the share upon which such remainder or expectancy is limited; *provided*, that in all cases where such remainder, reversion, or expectancy is limited over to any person in being, such person shall be served with like notice or process as may be by law required to be served on the owner or tenant of such share in such proceeding of partition, if notice be required therein; and in all such cases where partition is made of lands, of which any share is limited over, and which are held in equal undivided shares, the commissioners, or other persons making partition, shall divide said lands and allot the shares, and certify such division and allotment in the manner directed by the act entitled, "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common."

Proviso.

Sale of lands limited over.

2. *And be it enacted*, That in all proceedings for partition of lands, where any undivided share is limited over in manner aforesaid, no sale thereof shall be ordered, unless, at least, one half of such lands are held in fee, nor unless a division thereof cannot be made, or, if made, would impair the value of such lands to the extent of one-fourth of their value, and shall be so reported by the commissioners, and so adjudged in the order for sale.

Proceeds of sale, how disposed of.

3. *And be it enacted*, That in all partition proceedings, where a sale is made of any lands wherein any of the shares is not held in fee, or is limited over, such sale shall convey the title of all the tenants, either in possession, remainder, reversion, or expectancy, but the net proceeds of the sale of any share not held in fee, or that is limited over, shall not be paid by the purchaser to the commissioners, but only the proportion of costs and expenses assessed to such share; and the residue, or net proceeds of such share, shall be directed to remain as a lien on such lands, in the hands of the purchaser, his heirs and assigns, for the benefit of the parties entitled to the same; and that the said purchaser, his heirs or assigns, owners of such land, shall pay

to the person who would have been tenant of the particular estate, in case there had been no sale, his heirs or assigns, the lawful interest on the net proceeds of said share during the time when such particular estate would have continued yearly from the date of the commissioners' deed; and at the time when such share, if not sold, would have vested in any person or persons in fee simple, the purchaser of said land, his heirs or assigns, then owners thereof, shall pay to such person or persons in whom such share would have vested in fee the full amount of such net proceeds.

4. *And be it enacted*, That the person entitled to such interest or to such net proceeds shall have a lien on the whole of the lands so sold for the same, and if the proceeds of more than one share remain unpaid, by virtue of the directions of this act, such shares shall, each, have a lien on such proportion of the whole lands sold as it bears to the whole amount unpaid; and said liens, for interest or principal, may be enforced by sale of said lands, or such proportion thereof as is subject thereto, in the same manner as is or may be by law provided for the sale of mortgaged lands; *provided*, that any lands sold for the payment of interest in arrear shall be sold subject, in the hands of the purchaser, to the lien of the principal yet unpaid, and of the interest to accrue thereon after such sale.

Proceeds of sale, if unpaid, to be a lien.

Proviso.

Approved March 6, 1852.

CHAPTER LXXIV.

AN ACT to provide for the incorporation of insurance companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than thirteen in number, may associate, and form an incorporated company, for either of the following purposes, to wit:

Purposes for which incorporations may be formed.

I. To make insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance appertaining to, or connected with marine risks and risks of transportation and navigation.

II. To make insurance on dwellings, houses, stores, and all kinds of buildings, and upon household furniture, merchandise, and other property, against loss or damage by fire and the risks of inland navigation and transportation.

III. To make insurance upon the health or lives of individuals, and every insurance appertaining thereto, or connected with health or life risks, and to grant, purchase, or dispose of annuities.

Companies
may make
reinsurance.

2. *And be it enacted*, That any company organized under this act, shall have power to make reinsurance of any risks taken by them respectively, and may make insurance upon any or all of the risks mentioned in the first or second subdivisions of the first section; but no company making insurance on the health or lives of individuals shall be permitted to take any other kind of risks, nor shall the business of life insurance and of health insurance be in any wise connected or united in any company making insurance on marine or fire risks.

Declaration
to be filed in
office of se-
cretary of
state.

3. *And be it enacted*, That such persons shall file in the office of the secretary of state a declaration, signed by all the corporators, expressing their intention to form a company for the purpose of transacting the business of insurance, as expressed in the several subdivisions of the first section of this act, which declaration shall also comprise a copy of the charter proposed to be adopted by them, and shall publish a notice of such their intention, once in each week, for at least six weeks, in a public newspaper in the county in which such insurance company is proposed to be located, and if no newspaper be published in such county, then in a newspaper of this state published nearest to the same.

Books of
subscription
or proposi-
tions to be
opened.

4. *And be it enacted*, That it shall be lawful for the individuals associated for the purpose of organizing any company under this act, after having published the notice, and

filed their declaration and charter, as required by the preceding section, to open books for subscription to the capital stock of the company so intended to be organized, and to keep the same open until the full amount specified in the charter is subscribed; or in case the business of such company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions, and enter into agreements, in the manner and to the extent herein after specified.

5. *And be it enacted*, That no joint stock company, organized for the purposes mentioned in this act, shall be organized with a smaller capital than fifty thousand dollars; nor shall any company formed for the purpose of doing the business of marine or fire, or inland navigation insurance, on the plan of mutual insurance, commence business until agreements have been entered into for insurance, the premiums on which shall amount to twenty thousand dollars, and notes have been received in advance for the premiums on such risks, payable at the end of, or within twelve months from date thereof, which notes shall be considered a part of the capital stock, and shall be deemed valid, and shall be negotiable and collectable for the purpose of paying any losses which may accrue or otherwise; nor shall any company which may be organized under this act expose itself to any loss on any one fire or inland navigation risk or hazard to an amount exceeding ten per cent. of its capital.

6. *And be it enacted*, That no company formed for doing the business of life or health insurance, on the plan of mutual insurance, shall commence business until a cash capital of twenty-five thousand dollars shall have been paid in, and actually invested, either in the stocks of the incorporated cities of this state, the stocks of this state, or of the United States, or the states of Massachusetts, New York, Ohio, Kentucky, Virginia, or Pennsylvania, or in bonds and mortgages on unencumbered real estate within this state worth double the amount so invested.

7. *And be it enacted*, That it shall not be lawful for any company organized under this act to transact business, un-

Amount of capital stock.

Amount of capital stock of mutual life and health insurance companies.

Not to commence business until possessed of requisite capital.

less possessed of capital or securities, as herein before mentioned.

Deposit to
be made
with trea-
surer.

8. *And be it enacted*, That it shall not be lawful for any company organized under this act to transact the business of life insurance, until such company shall have deposited with the treasurer of this state the sum of twenty thousand dollars, either in the stocks of the incorporated cities of this state, the stocks of this state or of the United States, or the states of Massachusetts, New York, Ohio, Kentucky, Virginia, or Pennsylvania, or in bonds and mortgages on unencumbered real estate within this state worth double the amount so invested; and the president of such company shall annex to every mortgage his affidavit, that said mortgage was made and taken in good faith for money loaned by the company which he represents, to the amount therein named, and that no part thereof has been since paid or returned, and that he has reason to believe, and does believe, that the premises thereby mortgaged are worth, at least, double the amount of the mortgage thereon; and the treasurer shall prescribe such regulations for ascertaining the title and value of such real estate as he may deem necessary; and the treasurer may, from time to time, after such company shall have commenced the transaction of business, require further deposits of stocks, bonds, and mortgages, as aforesaid, to an amount not exceeding in the whole the sum of one hundred thousand dollars.

Depositors
may collect
interest and
dividends.

9. *And be it enacted*, That the treasurer shall hold said stocks, bonds, and mortgages as security for policy holders in said companies, but shall, so long as any company so depositing shall continue solvent, and shall comply with all the requisites of the laws of this state applicable to such company, permit such company to collect the interest or dividends on its bonds and mortgages or stocks so deposited, and, from time to time, to withdraw any of such securities, on depositing with the treasurer other like securities, stocks, or mortgages, the par value of which shall be equal to the par value of such as may be withdrawn; each mortgage, so substituted, to be also accompanied with an affidavit, as required in the preceding section; and the treasurer shall prescribe such regulations for ascertaining

the title and value of the real estate covered by the mortgage so substituted as he may deem necessary.

10. *And be it enacted*, That it shall be lawful for any company organized under this act to invest its capital, or the funds accumulated by its business, or any part thereof, in bonds and mortgages on unencumbered real estate, within this state, worth double the amount so invested, and also in the stocks of the incorporated cities of this state, or the stocks of this state or of the United States, or the states of Massachusetts, New York, Ohio, Kentucky, Virginia, or Pennsylvania, and to lend the same, or any part thereof, on the security of such stock or bonds; and any company organized for the purpose of marine insurance may, in addition to the foregoing, loan their funds on bottomry and respondentia, and change and reinvest the same, as occasion may from time to time require.

11. *And be it enacted*, That no company, organized by or under the provisions of this act, shall be permitted to purchase, hold, and convey real estate, excepting for the purposes, and in the manner herein set forth, to wit:

I. Such as shall be requisite for its immediate accommodation in the transaction of its business; or

II. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due; or

III. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

IV. Such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained or made for such debts; and it shall not be lawful for any incorporated company, as aforesaid, to purchase, hold, or convey real estate, in any other case or for any other purpose; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company, in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same; and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said

company shall procure a certificate from the chancellor 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 chancellor shall direct in said certificate.

Charter to
be filed.

12. *And be it enacted*, That, in addition to the foregoing provisions, it shall be the duty of the corporators of any and every company organized under this act, to declare in the charter, which is herein required to be filed, the mode and manner in which the corporate powers given under and by virtue of this act are to be exercised; the mode and manner of electing trustees or directors, a majority of whom shall be citizens of this state, and the filling of vacancies; the period for the commencement and termination of its fiscal year, together with the amount of capital to be employed in the transaction of its business.

Copies of
charter and
certificates
to be furnish-
ed by secre-
tary of state,
as authority
to com-
mence busi-
ness.

13. *And be it enacted*, That the charter, thus filed by the corporation, shall be examined by the attorney general, and if found to be in accordance with the requirements of this act, and not inconsistent with the constitution or laws of this state, he shall certify the same to the secretary of state; and the said secretary of state shall thereupon cause an examination to be made, either by himself or by three disinterested persons specially appointed by him for that purpose, who shall certify, under oath or affirmation, that an amount equal, at least, to the amount specified in the fifth section of this act, if it be a stock company, has been paid in and is possessed by it in money or such stocks and bonds and mortgages as are required by the tenth section of this act; or if a mutual company, that it has received and is in actual possession of the capital, premiums, or engagements of insurance, as the case may be, to the full extent required by the fifth section of this act; or if it be a life or health insurance company, to the full amount, and invested in the same manner as required by the sixth section of this act; and in the case of any company organized under this act for the transaction of the business of life insurance, the deposit of stocks, bonds, and mortgages required by the eighth section of this act shall be certified by the treasurer of this state to be duly made, according to the provisions of said

section; copies of such certificates shall be filed in the office of the secretary of state, whose duty it shall then be to furnish the corporation with a certified copy of the charter and certificates aforesaid, which, upon being filed by them in the office of the clerk of the county in which their company is to be located, shall be their authority to commence business and issue policies; and the same may be used in evidence for or against said corporation.

14. *And be it enacted*, That the corporators, or the trustees or directors, as the case may be, of any company organized under the provisions of this act, shall have power to make such by-laws, not inconsistent with the constitution or laws of this state, as may be deemed necessary for the government of its officers and the conduct of its affairs.

Corporators,
&c., to make
by-laws.

15. *And be it enacted*, That it shall be the duty of the president or vice president and secretary of each company organized under this act, annually, on the first day of January, or within one month thereafter, to prepare, under oath or affirmation, and deposit in the office of the secretary of state, as well as in the office of the clerk of the county in which such company shall be located, and shall also cause to be published, in at least one newspaper of this state published in such county, and if no newspaper be published in such county, then in a newspaper published nearest to the same, a statement exhibiting the total amount of premiums received, and the total amount of losses paid and ascertained, including expenses, during the year; also the amount of debts owing by the company at the date of the statement, and the amount of claims which then exist against the company for losses accrued, showing what amount of such claims for losses is payable on demand, what amount thereof is considered fair or legal, the payment of which has not then matured according to the contract, and what amount thereof is resisted on account of alleged fraud, or for which the company do not consider themselves legally liable; also the amount of policies issued and unexpired by said company, and also a statement of the securities representing the capital stock and all funds of the company, and also whether any of the securities held or owned by such company are considered bad or doubtful,

Annual state-
ment to be
made.

Proceedings
when capital
is impaired.

and, if so, specifying the amount of such securities, and the gross amount of outstanding risks thereon; and if, upon due examination, it shall appear to the secretary of state that the losses and expenses of any stock company during the year have exceeded the premiums, and in consequence thereof the capital of such company has become deficient, or from any other cause has become impaired to the extent of twenty-five per cent., it shall be the duty of the said secretary to direct the officers of any such company, within sixty days, to proceed to wind up its business, unless within that time the stockholders thereof shall pay in the amount of such deficiency; any company receiving such requisition from the secretary of state, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of the said company; and in case any stockholder of such company shall refuse or neglect to pay such call, after notice personally given or by advertisement, in such time and manner as the secretary of state shall approve, it shall be lawful for the said company to require the return of the original certificates of stock held by such stockholder, and in lieu thereof to issue new certificates for such number of shares as the said stockholder may be entitled to, in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company, the value of such shares for which new certificates shall be issued to be ascertained under the direction of the secretary of state, and the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new stock, and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company; and it is hereby declared, that in the event of any additional losses accruing upon new risks taken after the secretary of state shall have made the requisition aforesaid, and before the said deficiency shall have been made up, the directors shall be individually liable to the extent thereof; and if, upon due examination, it shall appear to the secretary of state that the losses and expenses of any company chartered on the plan of mutual insurance under this act shall, during the year, have exceeded the

premiums, and, in consequence thereof, that the capital of the company, as required in its organization, has become deficient, or from any other cause has become impaired, it shall be the duty of the secretary of state to direct the officers of such mutual insurance companies to take the same proceedings as herein required to be taken in case of joint stock companies; and, until such directions shall be complied with, the directors shall be personally liable to pay all damages occasioned by such neglect, to any person or body corporate which may be injured thereby; any transfer of the stock of any stock company organized under this act shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer.

16. *And be it enacted*, That any existing joint stock company, incorporated by this state for either of the purposes mentioned in the first section of this act, may, at any time after notice being given for three months in a newspaper of this state, published in the county where such company is located, and if no newspaper be published in such county, then in a newspaper published nearest to the same, of such intention, and with a written consent of three-fourths in amount of its stockholders, or if a mutual company, with the unanimous consent of its trustees, extend its original charter to the time specified by the provisions of this act, by altering or amending the same, so as to accord with the provisions of this act, and filing a copy of the same, so altered or amended, together with a declaration, under its corporate seal, signed by its president and directors, of their desire for such extension, and also the written consent of three-fourths in amount of its stockholders, and the unanimous consent of the trustees as aforesaid to such extension, in the office of the secretary of state; and upon the filing such consent, declaration, and charter, the same proceedings shall be had as are required by the thirteenth section of this act; and any of the mutual insurance companies already chartered by the legislature of this state may, after giving ninety days' notice in three of the public papers of the state, change to joint stock companies, by pro-

Existing
companies
may extend
their char-
ters, &c.

ceeding in accordance with, and conforming their charter to the provisions of this act.

Limitation.

17. *And be it enacted*, That all the charters formed or extended under this act shall be of thirty years duration, each, except those of life insurance; but the legislature may at any time alter, amend, or repeal this act, or dissolve and provide for the closing up the business and affairs of any company formed under it.

Suits may be maintained by and against corporation.

18. *And be it enacted*, That suits at law may be maintained by any corporation formed under this act against any of its members or stockholders for any cause relating to the business of such corporation; also, suits at law may be prosecuted and maintained by any member or stockholder against such corporation, for losses which may have accrued if payment is withheld more than two months in all risks after such losses shall have become due.

Companies not to be bodies corporate.

19. *And be it enacted*, That all companies formed under this act shall be deemed and taken to be bodies corporate and politic, in fact and in name, and shall be subject to all the provisions of the laws of this state in relation to corporations, so far as the same are applicable.

Companies not to deal in merchandise.

20. *And be it enacted*, That no company formed under this act shall, directly or indirectly, deal or trade in buying and selling any goods, wares, merchandise, or other commodities whatever, unless said goods, wares, or merchandise shall come into possession of said company in the legitimate pursuit of their business.

Corporators liable until capital is paid in.

21. *And be it enacted*, That the trustees and corporators of any company organized under this act, and those entitled to a participation of the profits, shall be jointly and severally liable until the whole amount of the capital raised by the company shall have been paid in, and a certificate thereof recorded, as herein before provided; notes taken in advance of premiums, under this act, are not to be considered debts of the company, in determining whether a company is insolvent, but are to be regarded as assets of the company.

Dividends not to be paid when capital is impaired.

22. *And be it enacted*, That no dividend shall ever be made by any company incorporated under this act, when its capital stock is impaired, or when the making of such

dividend would have the effect of impairing its capital stock; and any dividend so made, shall subject the stockholders receiving the same, to a joint and several liability to the creditors of said company, to the extent of the dividend so made.

23. *And be it enacted*, That, in pursuance of this act, it shall be lawful for any mutual company, established in conformity with the provisions of the fourth section of this act, to unite a cash capital to any extent, as an additional security to the members, over and above their premiums and stock notes, which additional cash capital shall be left open for accumulation, and shall be loaned and invested, as provided in the tenth section of this act; and the company may allow an interest on such cash capital, and a participation in its profits, and prescribe the liability of the owner or owners thereof to share in the losses of the company; and such cash capital shall be liable as the capital stock of the company in the payment of its debts. Cash capital may be loaned or invested.

24. *And be it enacted*, That the said company shall pay into the treasury of this state, for the school fund, one quarter of one per centum per annum on the capital stock paid in, and which amount shall be paid in under oath or affirmation of the president and secretary thereof. Tax to school fund.

25. *And be it enacted*, That the secretary of state shall be entitled to charge and receive, from the persons or companies requiring his services under this act, such fees as are allowed by law for similar services; and when duties are required of him, not provided for by law, such further compensation as the attorney general may direct. Compensation to secretary of state.

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

Approved March 10, 1852.

CHAPTER LXXV.

A supplement to the act entitled, "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved March twelfth, eighteen hundred and fifty-one.

Company
authorized
to construct
additional
road.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Freehold and Jamesburg Agricultural Railroad Company be, and they are hereby authorized to survey, lay out, and construct a railroad, with all the necessary appurtenances and appendages, to commence at some suitable point in the village of Freehold, where the same shall connect with the eastern termination of the road authorized to be constructed by the act to which this is a supplement, and thence to run, on the most eligible route, to the village of Tom's River, in the county of Ocean; which said road, and the track laid thereon, shall be of the same width as the road and track authorized to be constructed by the act aforesaid.

Lateral road
authorized.

2. *And be it enacted*, That the said company be, and they are hereby authorized to survey, lay out, and construct a spur, or lateral road, with a track of the same width, from some suitable point on the road hereby authorized to be constructed, to the marl pits at or near Squankum, in the county of Monmouth.

Company
invested
with all pow-
ers, &c., of
former act.

3. *And be it enacted*, That, for the purpose of enabling them to construct both or either of said roads, the said company be, and they are hereby invested with all the powers and authority which they now possess, and entitled to all the privileges and emoluments to which they are now entitled under the act to which this is a supplement, and shall be subject to all the provisions, conditions, liabilities, limitations, and restrictions to which they are now subject under the said act; *provided*, that the limitations contained in the sixteenth section of the act, to which this is a supplement, shall not extend to the provisions of this act, but that if the road authorized to be constructed by the first section of this act shall not be commenced within two years after the fourth day of July next, and completed within five years after said day, then this act shall be null and void.

Proviso.

4. *And be it enacted*, That, for the purpose of this act, ^{Capital stock increased.} two hundred thousand dollars may be added to the capital stock of the said company.

5. *And be it enacted*, That whenever the directors of the said company shall determine to call in the said ^{Books of subscription for additional stock.} additional stock, books of subscription shall be opened, in such manner and at such time or times, between the hours of twelve o'clock, noon, and five o'clock in the afternoon, and at such place or places as the said directors shall order, of which twenty days' notice shall be given in two newspapers in the county of Monmouth, and one newspaper in the county of Ocean, if any shall be published therein at the time.

6. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from ^{Company may borrow money.} time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond 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 ^{Proviso.} 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.

7. *And be it enacted*, That, as soon as one hundred thousand dollars of the capital stock shall be subscribed, ^{Election of directors.} the commissioners shall give notice for a meeting of the stockholders to choose nine directors, as directed in the third section of the act to which this is a supplement.

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

Approved March 10, 1852.

CHAPTER LXXVI.

A further supplement to the act entitled, "An act to incorporate the Belvidere Delaware Railroad Company," passed March second, eighteen hundred and thirty-six.

Part of former act repealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the fourteenth section of the act of the legislature of this state, entitled, "An act to incorporate the Belvidere Delaware Railroad Company," passed the second day of March, Anno Domini eighteen hundred and thirty-six, as limits the amount of real estate said company may hold, in the situations therein described, to two acres, and also so much of the fifteenth section of said act as requires the construction of a horse path or "track for one or more horses," be, and the same are hereby repealed.

What real estate may be held.

2. *And be it enacted*, That said company may have and hold real estate at the places and for the purposes designated in the fourteenth section of the act, to which this is a supplement, not exceeding seven acres at each place.

Approved March 10, 1852.

CHAPTER LXXVII.

AN ACT for the more speedy and better collecting of unpaid taxes in the township of West Milford, in the county of Passaic, and the township of Deptford, in the county of Gloucester.

Warrants, how directed and executed.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That hereafter the warrant mentioned in the eighteenth section of the act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six, shall be directed and delivered to the collectors of the township of West Milford, in the

county of Passaic, and of the township of Deptford, in the county of Gloucester, respectively, who shall severally execute the same, in the same manner, as nearly as may be, that constables are required by said act to execute such warrants; and the said collectors are hereby invested with all the rights, powers, and privileges, and shall be subject to all the duties, penalties, and liabilities, respecting such warrants, that constables are invested with and subject to by law; and that the official bonds of said collectors, respectively, may be prosecuted, as in other cases, for the neglect of any service or duty imposed by this act.

Approved March 10, 1852.

CHAPTER LXXVIII.

AN ACT to repeal an act entitled, "An act to change the time of holding the annual town meetings in the township of Pahaquarry, in the county of Warren."

BE IT ENACTED *by the Senate and General Assembly* Former act repealed. of the State of New Jersey, That the act entitled, "An act to change the time of holding the annual town meetings in the township of Pahaquarry," approved March fifth, eighteen hundred and fifty-one, be, and the same is hereby repealed.

Approved March 10, 1852.

CHAPTER LXXIX.

AN ACT in relation to all companies transacting the business of life insurance within this state.

Annual state-
ment to be
made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every company or corporation organized under the laws of this, or of other states or foreign governments, and transacting the business of life insurance in this state, shall, within three months after the passage of this act, and on or before the first day of February, in each year thereafter, furnish to the secretary of state, and shall also publish in a paper published in the city of Trenton, daily for two weeks, a statement, verified by the oath of their president or principal officer and a majority of their directors or trustees, showing the amount of paid up capital and accumulations of which they are possessed, and specifying the securities in which they are invested, with the amount of each; the number of policies and the amount of outstanding risks thereon; the several amounts received in premiums and from other sources for the current year; the amount of losses and expenses, severally, for the same period; the amount of claims remaining unpaid; the amount of fund reserved for reinsurance; the amount of premium notes held by the company on account of policies in force; the amount of premium notes, if any, held on account of policies upon which the risk has terminated; the whole number of policies issued or continued through their agencies in this state; the amount at risk thereon, and the gross amount of premiums received therefor in the year preceding their report; the number and amount of losses paid through their agencies during the same period: and whenever it shall appear, by the statements sworn to as aforesaid, or by other satisfactory evidence, that any such company is in an insolvent condition, it shall be the duty of the chancellor, on application made to him for that purpose, to take such proceedings against the said company as shall be in accordance with the provisions of the act entitled, "An act to prevent frauds by incorporated compa-

Proceedings
against insol-
vent compa-
nies.

nies," approved April fifteenth, one thousand eight hundred and forty-six.

2. *And be it enacted*, That all life insurance companies organized under the laws of other states or foreign governments, and transacting the business of life insurance in this state, shall, on or before the first day of August, one thousand eight hundred and fifty-two, deposit with the secretary of state of this state the sum of fifty thousand dollars, and, on or before the first day of February thereafter, the further sum of fifty thousand dollars, in public stocks of the United States or of this state, or stocks or bonds of the incorporated cities of this state, and which stock shall be at or above par at the time of such deposit, or in bonds and mortgages on unencumbered improved real estate situate within this state, and worth at least fifty per cent. more than the amount of the mortgage thereon; and the president or agent of every company shall annex to every mortgage his affidavit that said mortgage was made and taken in good faith for money loaned by the company which he represents, to the amount therein named, and that no part thereof has been since paid or returned, and that he has reason to believe, and does believe, that the premises thereby mortgaged are worth at least fifty per cent. more than the amount of the mortgage thereon; and the secretary of state shall prescribe such regulations for ascertaining the title and value of such real estate as he may deem necessary.

3. *And be it enacted*, That the secretary of state shall hold said stocks, bonds, and mortgages as security for policy holders in said companies, but shall, so long as any company so depositing shall continue solvent, and shall comply with all the requisites of the laws of this state applicable to such company, permit such company to collect the interest or dividends on its bonds and mortgages or stocks so deposited, and from time to time to withdraw any of such securities, on depositing with the secretary of state other like securities, stocks, or mortgages, the par value of which shall be equal to the par value of such as may be withdrawn, each mortgage so substituted to be also accompanied with an affidavit, as required in the preceding sec-

Companies
of other
states to
make depo-
sits.

Companies
may collect
interest and
dividends.

tion; and the secretary of state shall prescribe such regulations for ascertaining the title and value of the real estate covered by the mortgages so substituted, as he may deem necessary; *provided*, that such compensation shall be allowed to the secretary of state for the performance of the duties required of him under this act, as the governor shall deem proper and reasonable, to be paid by the companies depositing as aforesaid.

Proviso.

Provisions of act to extend to certain companies only.

4. *And be it enacted*, That the provisions of the second and third sections of this act shall be applicable, and extend only to companies chartered by states whose laws impose restrictions of a like kind on companies chartered by the laws of the state of New Jersey.

Certificate of secretary of state to be procured before commencing business.

5. *And be it enacted*, That it shall not be lawful for any person to act within this state, as agent or otherwise, in receiving or procuring applications for insurance in or in any company or association organized under the laws of other states where the above restrictions are imposed on companies organized under the laws of this state, until he has procured a certificate from the secretary of state that the company or association for which he acts has complied with all the provisions of this act; and for every certificate so obtained, the sum of three dollars shall be paid to the secretary of state.

Fees for certificate.

Penalty for violation of provisions of act.

6. *And be it enacted*, That every violation of this act shall subject the party violating to a penalty of five hundred dollars for each violation, which shall be sued for and recovered, in the name of the state, by the prosecutor of the pleas of the county in which the company or the agent or agents so violating shall be situated; and one half of the said penalty, when recovered, shall be paid into the treasury of said county, and the other half to the informer of such violation.

Approved March 10, 1852.

CHAPTER LXXX.

AN ACT giving to James Anderson and Sarah Turner, and to all persons claiming any real or personal estate under them, the same rights and powers that they would have been entitled to if the said James and Sarah had been born in lawful wedlock.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Anderson and Sarah Turner, and all persons claiming any real or personal estate under them or either of them, shall have the same rights and powers, in all respects whatsoever, that they would have been entitled to if the said James Anderson and the said Sarah Turner had been born in lawful wedlock, saving, however, the rights of all persons except the state of New Jersey.

J. Anderson
and S. Turner legitimated.

Approved March 10, 1852.

CHAPTER LXXXI.

AN ACT to incorporate the Burlington Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James W. Wall, Franklin Woolman, George W. South, and George Gaskill, Charles Ellis, Archibald W. Burns, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "the Burlington Gas Light Company;" 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 situate in the city of Burlington, and to enter into and execute

Names of
corporators.

General powers.

contracts, agreements, or covenants in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof.

Proviso.

Company authorized to lay down pipes.

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 reflecters in the streets, alleys, lanes, avenues, or public grounds of Burlington, and to do all things necessary to light the said city of Burlington, and the dwellings, stores, and other places situated therein;

Proviso.

provided, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes, and avenues, shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Commissioners to receive subscriptions.

3. *And be it enacted*, That James W. Wall, Franklin Woolman, George W. South, George Gaskill, Charles Ellis, and Archibald W. Burns are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose at such time, and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the city of Burlington, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving

public notice thereof as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners at the time of the subscription shall, by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of fifty thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem most expedient, until the whole amount of said shares so subscribed shall have been fully paid.

4. *And be it enacted*, That the management of the con- Election of directors.
cerns of said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of Burlington county; and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after ten thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice to be given, as aforesaid, and, at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in June, eighteen hundred and fifty-three; and the said directors and president shall hold their offices from the second Monday of June, of 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 the directors shall appoint; and pub-

lic notice shall be given of the time and place of holding such election for ten days, in a newspaper published in the city of Burlington; and any vacancy of the board of directors may be supplied by appointments to be made by the said board of directors until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such manner as is directed by the by-laws, at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stock trans-
ferable.

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 open at all times to the inspection of the stockholders.

Penalty for
injuring
works.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by a fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

Books of ac-
count 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 continue in Limitation. force for thirty years; 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 are applicable.

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

Approved March 10, 1852.

CHAPTER LXXXII.

AN ACT to incorporate the Mendham Aqueduct Company.

1. *BE IT ENACTED by the Senate and General Assembly* Style of incorporation. *of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and they are hereby ordained, constituted, and made a corporation and body politic, in fact and in law, by the name of "Mendham Aqueduct Company."

2. *And be it enacted*, That the amount of the capital Amount of capital stock. stock of the said corporation shall be three thousand dollars, and shall be divided into shares of twenty dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of such corporation shall direct.

3. *And be it enacted*, That Mahlon Pitney, John Marsh, Commissioners to procure subscriptions. William Phoenix, John C. Elmer, and Henry C. Pitney are hereby appointed commissioners to receive subscriptions for the capital stock of the said corporation; and they, or a ma-

majority of them, are hereby authorized, for that purpose, to open books of subscription at such times and places as they, or a majority of them, may think proper, giving twenty days' notice of such times and places, by publishing the same in a newspaper published in Morristown, in this state; and at such times and places, the said commissioners shall attend and receive subscriptions to the said capital stock; and at the time of subscribing for said stock, two dollars on each share subscribed shall be paid to the said commissioners.

Election of
directors.

4. *And be it enacted*, That whenever there shall be one hundred shares of the said stock subscribed, and two hundred dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for two weeks, in a newspaper published in Morristown, in this state, of a meeting of the said stockholders for the purpose of electing directors and organizing said company, of which election the said commissioners, or a majority of them, shall be judges; at which meeting the said stockholders shall proceed to elect, by ballot, five directors, who shall hold their office for a year and until others are elected; and each stockholder, at such election, and at all future elections, shall have one vote for each share he or she shall own at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

Payments of
instalments.

5. *And be it enacted*, That the board of directors, so to be chosen as aforesaid, shall and may elect, out of their own body or from among the stockholders, a president; and a majority of the said board shall, at all times, be a quorum for the transaction of business; and the said board shall have power to call in the remainder of the capital stock of the said corporation, so subscribed, by instalments, not exceeding five dollars on each share, by giving thirty days' notice of such required instalment in a newspaper printed at Morristown aforesaid; and if any stockholder shall refuse or neglect, for ten days after such instalment is due, to pay the same, he, she, or they, so refusing or neglecting, shall forfeit their stock, and all payments made thereon, for the use of said company; and the said board

of directors may require of their treasurer such security as to them shall seem proper.

6. *And be it enacted*, That when the board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pass over to the said board of directors, or to such persons as they shall direct, the books of subscription and all moneys which they have received for the subscription to the said capital stock, first deducting therefrom all expenses which they have incurred and reasonable compensation for their services, not exceeding one dollar for each and every day they have severally been employed in the duties of their appointment; and the directors so chosen and their successors may, at their discretion, continue and keep open the books of subscription, or reöpen the same, until the whole of the stock aforesaid shall be subscribed, and shall annually, after their appointment, cause an election to be held for the directors of said corporation, at such time and place as their by-laws shall direct.

Commissioners to pay over subscriptions to directors.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day or at the time when in pursuance of 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, and the directors for the time being shall continue to hold their offices until others have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct an aqueduct, for the purpose of distributing water throughout the village of Mendham, in the county of Morris, and to keep in repair and maintain the same; and it shall and may be lawful for the president and directors aforesaid, and their agents, surveyors, and workmen, to dig trenches, and to lay down, maintain, and repair pipes and other fixtures necessary or convenient for the purpose aforesaid, in and through any of the public highways or turnpike roads within one half mile of the cross-roads in said village, without paying therefor any

Company authorized to construct road.

Proviso.

compensation to owners of the lands over which said highways or turnpike roads may pass; *provided*, that in so doing they shall thereby incommode as little as possible the said owners, and all persons who may pass and repass over the same.

Company
may enter
upon lands,
&c.

9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, and their agents, surveyors, artificers, and workmen, with all necessary tools and implements, to enter in and upon all lands lying within a circle whose circumference shall be one half mile from the cross-roads aforesaid, and to dig and excavate the earth, divert and carry away any and all streams of water rising upon or running through or across said lands, to lay down pipe and machinery, and make erections necessary and convenient for the purpose aforesaid, and to repair, remove, and reconstruct the same, doing thereby as little damage as possible to the said lands; *provided*, that no excavation,

Proviso.

erection, or diversion of any water shall be made upon the lands aforesaid, without the permission of the owner or owners, or other persons interested in the same, or before tender of amends shall have been made to such owner or owners, or persons interested, for all damages which they may sustain by reason of such erection, excavation, or diversion as aforesaid.

Proceedings
in case own-
ers of land
and compa-
ny cannot
agree.

10. *And be it enacted*, That in case the president and directors cannot agree with any owner or owners of any of the lands above mentioned, upon the amount of damages to be paid to such owner or owners, for the erections, excavations, or diversions aforesaid, and for the occupation of the lands aforesaid with the works of the said company, and in case any such owner or owners be absent from this state or under legal disability, it shall be the duty of any judge of the court of common pleas of said county, who is disinterested in the premises, upon application of said company, and upon ten days' previous notice in writing to the opposite party, or in case of absence from the state, or of any legal disability to his or her guardian or tenant in possession of the lands, after hearing the parties, if present, to appoint three disinterested commissioners, residents of said county, to assess the damages to be done to said lands by

the said company in the construction and maintenance of their aqueduct as aforesaid, who shall be sworn, before an officer competent to administer an oath, faithfully to execute the duties of such appointment; and upon like notice to said company, and to the owner or owners, or to the tenant in possession or guardian, in case of absence from the state or legal disability, shall meet, view the premises, and hear the parties and evidence, if desired; at which time the said company shall exhibit to the said commissioners, and the opposite party if present, a statement or description in writing, or by drawing, or both, of the use, occupation, and excavations of the lands and diversions of the water sought to be made by said company upon the said lands; and the said commissioners shall, thereupon, assess the damages as aforesaid, and shall execute, under their hands and seals, or the hands and seals of a majority of them, an award to the said company of the rights and privileges sought by them in the statement and description afore mentioned, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded in the registry of deeds; and if either party feel aggrieved by such assessment and award, the party so aggrieved may appeal to the court of common pleas of said county, at the next or second term thereafter, by proceeding in the form of petition to said court, with five days' notice in writing of such appeal to the opposite party; or, in case of absence from the state, or legal disability, to the tenant in possession of said lands, or guardian, which proceeding shall vest in the said court of common pleas full 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 damages to the lands, as before mentioned; and if the said jury shall be demanded by the company, and they shall find the same or a greater sum than the commissioners, then judgment shall be given, with costs, against the company, and execution issue for the same, 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 sum so awarded, or execution shall issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or jury, with the costs, if any, the said corporation shall be deemed to be seized and possessed of the rights and privileges enumerated and described in the afore mentioned statement and the award so made as aforesaid.

Payment to
nonresident
owners, &c.

11. *And be it enacted*, That in case any owner or owners of any land or real estate shall be out of the state or under any legal disability, it shall be the duty of the said corporation to pay the amount of any award or assessment, so made in behalf of any such persons, into the court of common pleas, to the clerk thereof, to 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 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 witness' fees.

Liabilities
and restric-
tions.

12. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable.

Approved March 10, 1852.

CHAPTER LXXXIII.

AN ACT to incorporate the Zinc Mines Plank Road Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That James L. Curtis, Samuel Fowler, Richard Jones, Alexander C. Farington, William

C. Squier, Silas M. Stilwell, and George W. Savage, their present and future associates, their successors and assigns, be, and are hereby created a body corporate and politic, in fact and in name, by the name of the Zinc Mines Plank Road Company.

2. *And be it enacted*, That the capital stock of said com- Amount of capital stock.
pany shall be one hundred thousand dollars, divided into shares of twelve dollars and fifty cents each; and the said shares shall be deemed and considered personal property, and may be transferred according to the by-laws of said company; and it shall be lawful for said company to grant certificates of stock in full or part payment for the real and personal rights and estate which they are authorized to purchase and hold; and by its by-laws, the said company may compel the payment of instalments, not exceeding three dollars on each share at any one time, not deemed or declared full stock; and on failure to pay any instalment, it may forfeit the stock, and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand in a newspaper published in the county of Morris, and in one published in the city of New York.

3. *And be it enacted*, That James L. Curtis, Samuel First direct-
ors.
Fowler, Richard Jones, Alexander C. Farington, William C. Squier, Silas M. Stilwell, and George W. Savage shall be the first directors to organize and manage the affairs of said company, and shall continue in office until others are elected or appointed in their stead; and that the above named persons shall open books to receive subscriptions to the capital stock of the said corporation, at such time or To open
books of sub-
scription.
times, and place or places, as they, or a majority of them, may think proper, and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose 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 of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and

deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first and third sections of this act, or a majority of them; and 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 own number, a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the said corporation shall provide.

Duties of directors.

4. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by seven directors, being shareholders, a majority of whom shall be residents of this state; the president shall be appointed from the directors, and the directors shall have power to make all needful by-laws, not inconsistent with the laws of this state or of the United States.

Annual election of directors.

5. *And be it enacted*, That the annual election of directors shall take place on the third Tuesday in May, in each year, commencing on the third Tuesday in May, eighteen hundred and fifty-three, at some convenient place in the counties of Morris or Hudson, between the hours of twelve o'clock at noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share be entitled to one vote, and the vote may be by person or proxy; two weeks' previous notice of the time and place of such election shall be given in a newspaper published in the county of Morris, and in another published in the city of New York; and if, from any cause, an election for directors shall not take place at the appointed time, the failure shall not therefore work a forfeiture of this charter, but a new election may be ordered, in conformity to the by-laws of said company.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested

with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road from the zinc mines, in the county of Sussex, to a point on the Morris canal, between Dover and plane number "four;" 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, levelling, or laying out the routes of such road, and of locating the same, doing no unnecessary damage to private property; and when the route of such road shall have been agreed upon by the president and directors, and filed 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, wharves, and all other works necessary to construct said road, and do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or Proviso. make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out, or being at the beginning or ending points of the same, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That if the owners of the land on such road, shall not be willing to give the same for such purpose, and the said company and owners cannot agree Proceedings in case company and owners cannot agree. as to the price of the same, it shall be the duty of any justice of the supreme court in this state, who is disinterested in the premises, upon application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of the county in which the lands shall lie, to assess the price or value of such land, and all damage sustained, who shall be sworn,

before said justice, faithfully to execute the duties of such appointment; and after ten days' notice in writing 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 award and decision, together with a description of 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 justice 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 in which the said lands lie, there to be recorded and 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 circuit court of the county in which said lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceedings 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 the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, 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 of all

such lands and real estate so appraised as aforesaid; *pro-Provido.*
vided, 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 road, or making any erection or improvement whatsoever, or otherwise appropriating said lands to the use of said company, until they shall have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the price or value of such lands and damages, in case the assessment of the commissioners is not appealed from, or if the same is appealed from, then the amount adjudged by the said circuit court, or found by the jury by whom the issue may be tried; but in case the party entitled to receive the amount assessed by the commissioners, or adjudged by the court, or found by the jury, shall refuse to receive the same, or shall be out of this state, or under any legal disability, then payment of the amount assessed, adjudged, or found as aforesaid, into the court of chancery of this state shall be deemed a legal and valid payment, and that the person or persons entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being debarred thereby from his, her, or their appeal; and all the proceedings under this section 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 direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

8. *And be it enacted*, That the president and directors Rates of toll.
 of said company may erect gates and turnpikes across the said road so constructed, and demand and receive tolls for each mile of the said road, not exceeding the following rates:

For every carriage, sleigh, or sled, drawn by one beast,	two 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, and so in proportion for a greater or less number,	two cents.
For every dozen of horses, mules, or cattle, and so in proportion for a greater or less number,	five cents.

And it shall be lawful for any tollgatherer to stop any horse, mule, calves, sheep, hogs, carriage of burthen or pleasure, from passing through any of the said gates or turnpikes, until the toll, as above specified, has been paid for them.

Penalty for
delaying tra-
vellers.

9. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any person 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 for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Proceedings
in case road
and bridges
are not kept
in repair.

10. *And be it enacted*, That if the said company shall not keep the said road, and bridges which may be erected thereon, in good repair, and complaint thereof shall be made to any judge of the court of common pleas of the county wherein the lands lie, who may be disinterested, the said judge 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 the said plank 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 judge may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said 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 of a proper width and in good repair, so as to present a firm, smooth, and even surface at all seasons of the year, and if the report be unfavorable to the said road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit, and the 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 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 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 making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the manner above described, 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.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, or shall wilfully cut, break down, destroy, or deface, or otherwise injure, any gate, turnpike, bridge, pier, wharf, machinery, timber, buildings, works, or plank, that shall be erected, built, placed, or laid down in pursuance of this act, or shall forcibly pass any gate or turnpike on said road without having paid the legal toll at the gates or turnpikes, such person or persons shall forfeit and pay a fine of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit; and if any person shall, with his team, carriage, or horse, turn out of said road to pass a gate or gates, 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 or turnpikes, to be recovered by said company, to their use, in an action of debt, with costs of suit.

Penalty for
injuring
works.

12. *And be it enacted*, That all the mining companies

Mining companies of this state may subscribe for stock.

incorporated by this state, and engaged in mining or owning mines in the counties of Sussex, Morris, and Passaic, may subscribe to the stock of this company any sum, not exceeding in amount ten per cent. of their capital.

Commencement and completion of road.

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

Limitations and restrictions.

14. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable.

Approved March 10, 1852.

CHAPTER LXXXIV.

AN ACT respecting the Hudson brigade.

Annual assessment to be made.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the annual parade, inspection, and review of the ununiformed militia of the Hudson brigade shall hereafter be dispensed with, and in lieu thereof, in time of peace, and for defraying the expense of their complete enrollment, the assessors of the different cities, wards, and townships in Hudson county shall annually assess, against every white male inhabitant of said county capable of performing militia duty, between the ages of twenty-one and forty-five years, the sum of fifty cents.

Annual parades.

2. *And be it enacted*, That the several uniform companies, and all officers attached to the Hudson brigade, shall parade for inspection, review, or improvement, by company, battalion, regiment, or brigade, not less than four, nor more than six times annually, at such times and places as the

commandant of said brigade may direct; and every such uniformed officer or private performing such duty, and having a certificate thereof under the hand of the inspector of the brigade, shall be exempt from the performance of duty, as a petit juror, in the courts of record of Hudson county, for the period of one year from the date of said certificate.

3. *And be it enacted*, That said assessment shall be collected in the same manner as township taxes, and the moneys collected thereon, by the collectors and constables, in any of the cities, townships, or wards in said county, shall be paid over to the brigade paymaster of said brigade, who shall, annually, after deducting the expenses of the brigade board, and of the collection thereof, pay the balance to the several uniformed companies composing said brigade pro rata, according to the number of members performing their duty in each, to be expended for military purposes exclusively.

Manner of
collecting as-
sessment.

4. *And be it enacted*, That the assessor and collector, each, for the performance of the service required by this act, shall receive from said brigade paymaster the sum of two cents on the dollar for all sums paid over by the collector to said paymaster; the fines for nonattendance or nonperformance of duty, at any parade by this act directed, shall be the same, and recovered in the manner prescribed by the act, to which this is a supplement.

Compensa-
tion to as-
sessor and
collector.

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

Approved March 10, 1852.

CHAPTER LXXXV.

AN ACT to incorporate the Managers and Treasurer of the School Fund for the Education of Youth in the city of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly* of the State of New Jersey, That on the first Monday in Annual elec-
tion of man-
agers.

April next ensuing the approval of this act (or on such other day as may be hereafter fixed by law for the election of district trustees of public schools under the laws of this state), and between the hours of two and five o'clock in the afternoon of said day, there shall be chosen at an election, in like manner as other city elections, at the city hall, in the city of Burlington, by such citizens of said city as are qualified to vote at any city election, seven persons, being citizens of said city, as managers of the school fund for the education of youth within the same, which election shall be by written or printed ballots, or partly printed and partly written; and the persons so elected shall meet within five days after their election, and divide themselves into classes by lot; the seats of the first class, consisting of two of the persons elected, shall be vacated at the expiration of the first year; the seats of the second class, also consisting of two of the persons elected, shall be vacated at the end of the second year; and the seats of the third class, consisting of three of the persons elected, shall be vacated at the expiration of the third year, so that one class of said managers shall be chosen, at each and every annual election thereafter, for the term of three years, to take the place of the class whose term of office shall then expire, which said annual election shall be held on the day and in the same manner as herein before specified; and there shall also be chosen, on the first Monday in April next ensuing the approval of this act, and at each and every of the said annual elections, one fit person as treasurer of said school fund, of like qualifications as the said managers, who, before he shall enter upon the discharge of his duties, shall give bond, with good and sufficient sureties, to the inhabitants of the city of Burlington, which said bond shall be approved by the common council of said city: the said the managers and treasurer, and their successors, chosen annually as aforesaid, are hereby constituted a body politic and corporate, in fact, name, and law, to all intents and purposes, for ever, and shall be called and known by the name of "the Managers and Treasurer of the School Fund for the Education of Youth in the city of Burlington," and, by that name, they shall have perpetual succession.

Treasurer to
give bond.

2. *And be it enacted*, That, by such name as aforesaid, ^{Managers and treasurer may hold and convey real estate.} the said managers and treasurer, and their successors, shall become seized, invested with, and possessed of all such real and personal estate, or the rents, issues, and profits thereof, or any interest therein, which doth or shall belong unto or constitute any part or portion of the aforesaid school fund, and, by such name, they shall for ever hereafter hold, possess, and enjoy the same; and also shall, by the like name, for ever thereafter be authorized, in law, to purchase, take, hold, receive, and enjoy any lands, tenements, or hereditaments, in fee simple or otherwise, by the gift, alienation, or devise of any person or persons able to grant or devise the same; and also, goods, chattels, legacies, and donations, granted and given to said managers and treasurer for the use aforesaid, of what kind or quality soever, so that the yearly value of said real and personal estate doth not exceed ten thousand dollars; and also, that the said managers and treasurer, and their successors, by the name aforesaid, shall and may have power to grant, convey, lease, assign, or otherwise dispose of all or any of their lands, tenements, or hereditaments, goods, chattels, and personal estate whatsoever, as to them shall seem meet, for the uses and benefit of the school fund for the education of youth aforesaid; *provided*, that the managers and treasurer, so chosen as ^{Proviso.} aforesaid, shall not be authorized to sell or convey in fee simple the Matinicunk island, or any part thereof, or any of the real estate belonging to the said school fund, without the consent of the citizens of the said city, qualified as aforesaid, in a town meeting duly convened for the purpose of deciding the same; nor shall the said managers and treasurer make any lease of the real estate belonging to the said school fund, or any part thereof, to continue for a longer term than five years.

3. *And be it enacted*, That it shall and may be lawful ^{Duties and powers of president.} for the said managers and their successors, from time to time, as they may find it necessary or expedient, to choose a president, being one of the said managers, and such other officers and assistants as may be required for the proper transaction and recording of their business, which said president shall keep in his custody the common seal, and shall

have power, from time to time and at all times hereafter, as occasion may require, to call a meeting of the said managers, at such convenient place in the said city as he shall think proper, for the execution of all or any of the powers hereby given them; and in case of sickness, absence, or death of the president, all the powers hereby in him vested shall vest and remain in the senior manager on record, until the recovery or return of the president, or until a new president shall be chosen as aforesaid.

Managers to
make regu-
lations.

Proviso.

Vacancies,
how suppli-
ed.

Duties and
powers of
managers.

4. *And be it enacted*, That the said managers and their successors shall have full power and authority to make all such necessary and useful orders and regulations (not inconsistent with the laws of this state) as to them may seem meet and proper for conducting the business of the said corporation; *provided nevertheless*, that there be a majority of the whole number of the said managers present and agreeing thereto, in order to make valid any such order, regulation, vote, or proceeding.

5. *And be it enacted*, That in case of a vacancy happening, by death, removal from the city, resignation, or otherwise, of any of the said managers, it shall be the duty of the mayor of the said city, on the written request of seven of the citizens thereof, to call a legal town meeting for the purpose of choosing a manager or managers to supply the place vacant as aforesaid, during the unexpired time of the manager so dead, removed, or otherwise ceasing to be a manager, which meeting shall be holden at the place and within the hours before mentioned; and the election shall be conducted by ballot, as aforesaid.

6. *And be it enacted*, That the said managers shall have the direction of the affairs and property of the corporation, whether real or personal; they shall direct the drawing of orders on the treasurer for all moneys appropriated; which appropriation shall include all expenditures, whether for repairs, improvements, investments, reinvestments, school purposes, and contingencies of all kinds whatsoever; in advising and directing the treasurer in the investment and reinvestment of funds, the said managers, or any of them, shall not be eligible to borrow any part of such funds, nor shall they advise, direct, or permit the investment thereof

in any other than good bond and mortgage security upon unencumbered real estate, in the county of Burlington, worth at least double the amount proposed to be loaned thereon; and the said managers, or any of them, shall not be personally interested, directly or indirectly, in any contract for work or materials done or used on any of the property belonging to the said corporation, nor shall they, or any of them, receive any compensation, directly or indirectly, for their services in the performance of the duties herein enjoined upon them; and in case of the death, resignation, removal, or other disability of the treasurer, the managers shall choose some fit person, not one of their number, to act as treasurer for the unexpired term, who shall give a like bond as an elected treasurer, perform the same duties, and be entitled to the same compensation; and all the proceedings of the managers aforesaid shall, from time to time, be fairly entered in a book or books to be provided and kept for that purpose, which book or books, together with the common seal and all other writings whatsoever appertaining to the said corporation, shall, upon the decease, removal, or resignation of the former president, or other person having the custody of them, or any of them, be delivered to or go over unto the next successor in office, to be kept and preserved for the use and benefit of the school fund in the city of Burlington aforesaid.

7. *And be it enacted*, That all moneys belonging to the said corporation shall pass through the hands of the treasurer; and it shall be his duty, without having a voice at the board of managers, to attend their meetings with his books and accounts, and give all necessary information respecting the finances and property of the corporation; to collect and receive all moneys, whether arising from rents, interest, contracts, bonds, or other sources; to keep in his custody and possession all obligations, bonds, mortgages, leases, contracts, deeds, and other evidences of property; he shall regularly enter in a book, provided for the purpose, all moneys received, and from what source, and shall pay no money as treasurer, except on the written order of the president, by order of the managers; he shall give two weeks' notice, in a newspaper published in the city of Bur-

Duties and
powers of
treasurer.

lington, and at least six days' notice, in at least ten of the most public places of the said city, of the time and place of each annual election for managers and treasurer; and shall exhibit at every such election a full and detailed statement of the receipts and disbursements of the preceding year, and the situation and condition of the funds and property, together with such other matters as may be necessary to show the situation of the corporation; after which exhibition and statement, the town meeting shall fix the compensation to be paid the treasurer for his services by the managers, which compensation shall continue to be paid annually until altered or repealed by a subsequent town meeting; he shall, under the advice and direction of the managers, receive all moneys paid in liquidation of bonds, mortgages, or other security or evidence of indebtedness, and reinvest the same under such advice and direction, subject to the restriction contained in the sixth section hereof, and such other regulations as may be adopted by the managers under the authority of the fourth section hereof; and he shall also perform such other duties connected with his office, as shall be enjoined upon him by the by-laws of the said managers.

Rights of tenants of Matinicum island not to be impaired.

8. *And be it enacted*, That nothing herein contained shall be construed to impair the right or rights of any other person or persons in law or equity, or to impair or alter any contract made or existing between the managers of said school fund, and any tenant or tenants now in the occupancy of said Matinicum island, or any part thereof.

Former act repealed.

9. *And be it enacted*, That the act entitled, "An act to incorporate the Managers of the School Fund for the Education of Youth within the city of Burlington," passed November eighteenth, eighteen hundred and twenty-four, and all the provisions thereof, be, and the same is hereby repealed; and this act shall go immediately into operation, upon the approval of the same by the governor of this state.

Approved March 10, 1852.

CHAPTER LXXXVI.

AN ACT concerning streets in the new manufacturing town of Elizabethport.

1. BE IT ENACTED *by the Senate and General Assembly* Commissioners to establish grades. *of the State of New Jersey,* That Cyrus Manvel, George Wode, James W. Anguss, Samuel Moore, Samuel Huntsman, and Frederick Phelps be, and they are hereby appointed commissioners for the purpose of fixing and establishing the grades of the highways and streets within the limits of that part of the township of Elizabeth, in the county of Essex, known and designated as "the new manufacturing town of Elizabethport," as the same is laid out and described in a map thereof, on file in the clerk's office of the said county of Essex, and for the purpose of regulating and laying out, curbing and paving, and establishing the grades of the sidewalks within the limits aforesaid.

2. *And be it enacted,* That the said commissioners, having first taken and subscribed an oath or affirmation, before Duties of commissioners. some justice of the peace, faithfully and impartially to perform the duties of their said office, shall, within ten days after the passage of this act, and before entering upon the duties prescribed, organize themselves under the title of "the board of street commissioners of Elizabethport," and appoint one of their own number to be chairman, and another to be secretary, and shall establish such rules and regulations for their own government as they may deem necessary; *provided,* that a majority of the whole number Proviso. of said commissioners shall be necessary for the transaction of business; and, within ten days after the organization and election aforesaid, they shall publish a notice of such organization and appointment, in at least one of the newspapers published in the said township of Elizabeth, for three weeks thereafter; the above named commissioners shall, upon the day of their organization, determine by lot the length of time each shall serve under their present appointment, and shall so arrange themselves that two members shall hold office until the fourth Tuesday of March, eigh-

teen hundred and fifty-two, two members for two years, and two members for three years from the same date.

Annual election of commissioners.

3. *And be it enacted*, That on the fourth Tuesday in March, eighteen hundred and fifty-three, and every year thereafter, there shall be chosen by ballot, by the inhabitants within the limits of the district first above mentioned, two persons, who shall be resident within said district, to be members of said board, who shall hold their offices for three years; and it shall be lawful for the board hereby created to appoint two persons to be judges, and one person to be clerk of such election; and the said board shall give one week's notice of the time and place of such election, in the manner prescribed for township elections; the persons so elected shall be qualified, and the board shall be organized within ten days after such election, in the manner herein before prescribed for the organization of the commissioners herein appointed; whenever a vacancy shall occur in said board, by death, resignation, or otherwise, it shall be lawful for the majority of the members of said board, at a special meeting for that purpose, to elect some person to fill such vacancy, who shall hold office for the unexpired term of the person whose office may so become vacated.

Vacancies.

Applications for establishment of grades.

4. *And be it enacted*, That whenever a majority of the owners or legal representatives of the owners and occupants of the lots fronting or adjoining on any of the highways or streets within the limits aforesaid, or any part of such highway or street, such part not being less than eight hundred yards in extent, shall make application in writing to the said board of commissioners to have the grade or grades of any of the said highways or streets fixed and established, or to have the sidewalks thereon regulated and laid out, curbed and paved, the said board, or a majority of them, shall, within one week after such application is made, take the same under consideration; and if the said commissioners, or a majority of them, shall determine the fixing and establishing of the grades of the highways or streets, or the regulating, laying out, curbing, and paving of the sidewalks, or either or both of said works, as men-

tioned in said application to be necessary, then they shall cause the same to be done.

5. *And be it enacted*, That it shall be lawful for the said board of commissioners, or a majority of them, in meeting assembled, to adopt resolutions prescribing the manner in which, and the materials with which the said highways, or streets or sidewalks, within the limits aforesaid, or any part thereof, shall be levelled, worked, curbed, paved, flagged, planked, or gravelled, and to publish the same immediately thereafter.

Manner of
paving, &c.,
to be pub-
lished.

6. *And be it enacted*, That whenever the said board of commissioners shall have fixed and established the grades of any of the highways or streets in the limits aforesaid, they shall cause maps of the said grades, with a description thereof, to be made, and a copy of the same to be filed in the clerk's office of the said township of Elizabeth, and shall also cause a statement of such grades to be published in one of the newspapers published in said township, at least five successive weeks; and it shall not be lawful for any overseer or overseers of the road to change, alter, or in any wise to interfere with the grades of any of the highways or streets within the limits aforesaid.

Maps of
grades to be
filed.

7. *And be it enacted*, That all the expenses incurred in fixing and establishing the grades of the highways or streets, as by this act is authorized to be done, including the compensation of the commissioners, shall be assessed, by the said board, upon the lots fronting or adjoining on the highways or streets on which the said work shall have been done, in equal sums upon each and every lot; *provided*, that when the work shall have been done on the streets designated on the map aforesaid, as first, second, third, fourth, fifth, and sixth streets, in which there are no lots now laid out, then the expense of such work shall be assessed, in equal proportions, upon one half of the number of lots in the blocks or squares, on either side of said streets, which lie on the streets intersecting the above numbered streets.

Expenses of
fixing grades
to be assess-
ed.

Proviso.

8. *And be it enacted*, That if the owner or owners of any lot or lots, in front whereof the sidewalks shall, by the determination of the board of commissioners as aforesaid,

Proceedings
in case own-
ers neglect
to pave, &c.

upon the application aforesaid, be directed to be curbed, paved, flagged, planked, or gravelled, shall neglect to comply with such vote, resolution, or determination, for the space of five weeks after the first publication of such vote, resolution, or determination, it shall and may be lawful for the said board of commissioners to cause the same to be done, under their own, or the direction and superintendence of such person or persons as they may designate for that purpose, and the expense thereof, certified and sworn or affirmed to by themselves or such person or persons, and filed in the clerk's office of the county of Essex, shall be and remain a lien upon said lot or lots until the same shall have been paid and satisfied, and shall have priority to any recognisance, mortgage, judgment, debt, obligation, or responsibility which the said lot may become liable to from and after the time of filing such lien as aforesaid; and, to enforce the payment of the said expenses, the said board of commissioners, or a majority of them, may, at their option, either bring an action on the case, in any court of competent jurisdiction, in the name of the "board of street commissioners of Elizabethport," against the owner or owners of such lot or lots, 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 interest from the filing of the lien aforesaid, and costs, or may proceed to sell the said lot or lots in the same manner as the township committee may now do in case of taxes due and unpaid on real estate in the said township of Elizabeth, by virtue of an act entitled, "An act to make taxes a lien on real estate in the township of Elizabeth, in the county of Essex, and to authorize the sale of the same for the payment thereof," approved February tenth, one thousand eight hundred and forty-seven; and the said board of commissioners and the constables of said township shall have the same power and authority in such cases as the township committee and constables now have under said act; *provided*, that the said board of commissioners may proceed to make such sale within one month after the filing of the lien aforesaid; *and provided further*, that the owner or owners of such may

Proviso.

Proviso.

redeem such lot or lots at any time within the term for which they were so sold, upon paying to the purchaser thereof the principal and interest of the purchase money, with ten per centum added thereto.

9. *And be it enacted*, That the said board of commissioners be, and they are hereby authorized to employ such engineers, workmen, and other agents and persons, as they may deem necessary and proper for the effectuating the objects intended by this act, and to determine and agree upon the compensation to be given to such engineers, workmen, agents, and persons. Commissioners to employ engineers, &c.

10. *And be it enacted*, That whenever three-fourths of the owners or occupants of lots fronting or adjoining any of the highways or streets, or any part of such highway or street, such part not being more than eight hundred yards in extent, shall make application to said board of commissioners to have said highways or streets levelled and worked to the grades fixed and established by said board aforesaid, the said board, provided they deem the same proper and expedient, may cause the same to be done under the superintendence of the overseer of the roads within whose district the same may lie, who shall apportion the money raised at town meetings for the said road district, so as to determine what part thereof shall be applied to the work so directed to be done by said board; and in case the sum so apportioned shall not be sufficient to do said work, then the said board of commissioners shall assess the deficiency upon each lot fronting on said highway or street, in the manner provided in the seventh section of this act. Grading of highways or streets.

11. *And be it enacted*, That the expenses incurred by said board of commissioners, in levelling, grading, or working said highways or streets, may be collected in the same manner as expenses for curbing and paving sidewalks are by this act authorized to be collected. Expenses, how collected.

12. *And be it enacted*, That the said commissioners shall be entitled to receive, as compensation for their services, the sum of one dollar and fifty cents, each, for every day they shall be actually engaged in the duties of their said office. Compensation to commissioners.

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

Approved March 12, 1852.

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CHAPTER LXXXVII.

A supplement to an act for the protection of bridges, passed February twenty-seventh, eighteen hundred and thirty-three.

Penalty for making fast to draw.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the passage hereof, it shall not be lawful for any person, having the command of any steamboat or other vessel, to make fast to or lay the same alongside, or in the draw of any bridge in this state, for the purpose of loading or unloading any marketing, produce, or merchandise, of any kind whatever, from off said bridge; and any person so offending shall be subject to the same fines and penalties as are prescribed in said act, to which this is a supplement.

Construction of certain words.

2. *And be it enacted*, That the words "hoist or hoisted," in said act, shall be construed to mean "open or opened."

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

Approved March 12, 1852.

CHAPTER LXXXVIII.

AN ACT for the relief of the trustees of the Zoar Methodist Episcopal Church in the county of Ocean.

Preamble.

WHEREAS George F. Fort, James Rogers, Emson Hartshorn, Charles Taylor, Robert C. Jemeson, William W. Creed, and William H. Hartshorn, the trustees of the Zoar Methodist Episcopal Church at Newport, in the township of Plumsted, and county of Ocean, in this state, by their petition have set forth, that John Foulks and Thomas Shinn, on the eleventh day of March, in the year of our Lord one thousand eight hundred and nine, by

their separate deeds of conveyance, duly executed, did convey unto Jonas Matson, William Turner, Jacob Foulks, Abraham Brown, Benjamin Lawrence, Joseph Foulks, and Henry Read, and their successors in office, as trustees for ever, two certain lots of land situated in the then township of Upper Freehold, and county of Monmouth, to hold the same in trust for the use of the members of the Methodist Episcopal Church in the United States for ever, upon which land the said trustees thereafter erected a house of worship for the members of said church, in which they have continued to worship until the twenty-sixth day of October last; that the religious society worshipping in said house was incorporated on the sixth day of December, eighteen hundred and thirty-four, in the manner prescribed by law, and a certificate of the same recorded in the clerk's office of said county of Monmouth, and that the said society have purchased a lot of land in an eligible location near the old one, and have thereon erected and finished a new and commodious church for their use, and have duly organized a new board of trustees, who have taken upon themselves the title of "the trustees of the Methodist Episcopal Church at New Egypt," and that the first-named trustees have resolved to sell the lots of land conveyed to their predecessors by the said John Foulks and Thomas Shinn, to aid in defraying the expenses of said new church; but that, by reason of the omission of said society to continue a succession of trustees, in the manner directed by said deeds, as well as from the nature of said trust, doubts have arisen whether a good or sufficient title for the said premises can be made to the purchaser of the same—therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the board of trustees, known under the title of "the Zoar Methodist Episcopal Church," located at Newport, near the village of New Egypt, are hereby authorized and empowered to sell, at public or private sale, all that certain lot or lots of land and premises, with the building and appurtenances, which were conveyed by John Foulks and Thomas Shinn to Jonas Mat-

Trustees authorized to sell lands.

son, William Turner, Jacob Foulks, Abraham Brown, Benjamin Lawrence, Joseph Foulks, and Henry Read, and their successors in office for ever, in trust for the use of the members of the Methodist Episcopal Church, by their separate deeds of conveyance, each bearing date the eleventh day of March, in the year of our Lord one thousand eight hundred and nine, and recorded in Liber S. of deeds, in the clerk's office of the county of Monmouth, at Freehold, and in the said deeds are described, as by reference thereto shall fully appear, and to execute and deliver to the purchaser or purchasers thereof good and sufficient deeds for the same, under the hand and seal of the president of the board of trustees of said corporation, by which such purchaser or purchasers, his or their heirs and assigns, shall hold the same, so conveyed, to his or their own use, free and clear and absolutely discharged from all trusts whatsoever upon which the same was held as aforesaid.

Proceeds of
sale, how
disposed of.

2. *And be it enacted*, That the purchase money paid for the said premises, when received by the trustees of the said corporation, shall be paid over to the trustees of the Methodist Episcopal Church at New Egypt, and shall be by them appropriated towards defraying the expenses incurred in building the said new church, and shall belong to them, their successors and assigns, for ever.

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

Approved March 12, 1852.

CHAPTER LXXXIX.

AN ACT to incorporate the Riverton Improvement Company.

Preamble.

WHEREAS it is represented to the legislature that Daniel L. Miller, jun., Rodman Wharton, Dillwyn Parrish, William D. Parrish, Caleb Clothier, James Clothier, Charles D.

Cleveland, William C. Biddle, Robert Biddle, and Chalkley Gillingham, lately became the owners of a tract of land situate upon the river Delaware, in the township of Chester, in the county of Burlington, New Jersey, containing about one hundred and twenty acres, by a deed of conveyance, executed by one Joseph Lippincott and wife to said Daniel L. Miller, jun., absolute upon its face, but, in truth, in trust for himself and said other persons; and that they have laid the said tract out into streets and lots, with a view to the erection of a town thereon, called Riverton; and that they have constructed a wharf fronting the same, into said river, suitable for the landing of steamboats and other vessels, and made other improvements thereon; and that already several of said lots have been disposed of to themselves and others, to hold in severalty, by conveyances executed by said Daniel L. Miller, jun., and his wife, and a number of substantial dwellings and other buildings have been erected thereon, the said Daniel L. Miller, jun., retaining for his own use a lot, upon which he also has erected a dwelling; and whereas the said owners of the residue of the said lots not disposed of as aforesaid, intend conveying them to all such persons as may choose to purchase, and are desirous of becoming incorporated, so as to facilitate the making of conveyances and avoid the obstructions thereto, which may result from death or otherwise—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That the said Daniel L. Miller, jun., Rodman Wharton, Dillwyn Parrish, William D. Parrish, Caleb Clothier, James Clothier, Charles D. Cleveland, William C. Biddle, Robert Biddle, and Chalkley Gillingham, and such other persons as they may associate with them, 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 Riverton Improvement Company."

2. *And be it enacted*, That the stockholders of said company shall meet annually, on the first Monday of June, at Riverton, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in

the county of Burlington, and shall then and there elect, by ballot, such number of directors as their by-laws shall direct, to serve for the term of one year and until others are chosen in their places; and said election shall be made by such of the stockholders of said company as shall attend said meeting, either in person or by proxy, each share of stock to entitle the holder thereof to one vote; the directors so chosen shall elect one of their number to be president of the company, who shall preside at all meetings of the board of directors and of the stockholders, but in case of a vacancy in said office, by death or otherwise, it shall be filled by the board for the time being; and in all cases of the president's absence at any meeting of the stockholders or board, a president pro tempore shall be chosen; and if any election of directors shall not be had at the said time appointed, it may take place at any future time, on notice as aforesaid.

Vacancies.

First directors.

3. *And be it enacted*, That the said corporators may meet, at any time after the passage of this act, for the purpose of organizing said company, two weeks' notice in writing of the time and place of meeting, signed by some one of them, being previously given to the other of said corporators; and until the first Monday of June next, or until others shall be chosen in their places, the said corporators shall be the directors of said company.

Duties and powers of directors.

4. *And be it enacted*, That the directors shall have full power to make by-laws, to appoint such officers and agents as they shall deem expedient, to declare and provide for the payment of dividends to the stockholders, and, generally, to conduct and manage the affairs and superintend the business of said company; *provided*, that such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

D. L. Miller to convey lands to company.

5. *And be it enacted*, That after the said company shall be organized, the said Daniel L. Miller, jun., who now holds aforesaid residue of tract of land mentioned in the preamble to this act, in trust for himself and the other of said corporators, shall convey to the said company, in their corporate name, the said tract of land, or so much and such parts thereof as the board of directors may direct, and shall assign and transfer, pay over and deliver, to the said company,

any such bonds, mortgages, and other securities, moneys and other personal property, as he may hold in trust as aforesaid; and the said company are hereby further authorized to purchase and hold any lands adjoining or near the above mentioned tract, which they may deem proper for enlarging or improving said town; *provided*, the land so to be purchased shall not exceed in the whole three hundred acres. Proviso.

6. *And be it enacted*, That the said company are authorized to improve all or any portion of the said lands to be held or purchased by them as aforesaid, by erecting buildings and laying out said land into lots, streets, squares, blocks, lanes, alleys, or other divisions, and levelling, raising, and grading said streets, lanes, and alleys; and they shall have liberty to fill up, raise, occupy, possess, and enjoy, as their own property, all lands covered with water fronting and adjoining the aforesaid tract of land, or such other lands adjoining or near thereto as they may purchase; and may enlarge and improve their present wharf, and construct such other wharves, harbors, piers, slips, and other structures, into the said Delaware river, they may deem necessary for commercial and shipping purposes; *provided*, that they shall not injure the navigation of said river. Company authorized to improve lands. Proviso.

7. *And be it enacted*, That the capital stock of said company may be fixed by them at any amount not less than twenty-five thousand, and not exceeding one hundred thousand dollars, divided into shares of five hundred dollars each, and shall be deemed personal property, transferable only on the books of the company in such manner as the by-laws shall direct; but nothing herein contained shall be construed to restrict the legislature from taxing the property of the company; and no part of the capital stock shall be used for banking purposes, or any other purpose not clearly indicated by this act. Amount of capital stock.

8. *And be it enacted*, That the deeds for any land hereafter sold and conveyed by said company, shall each contain a clause against the manufacture of and traffic in intoxicating liquors thereon, in substance as follows, viz. that it shall not be lawful for the grantee or grantees thereof, his, her, or their heirs or assigns, or his, her, or their Deeds to contain clause against intoxicating liquors.

lessee or lessees, to manufacture, or cause to be manufactured, sell, or cause or knowingly permit to be sold, directly or indirectly, in or upon the premises thereby conveyed, or any part thereof, any spirituous, vinous, fermented, or other intoxicating liquors, except as a medicine or for medicinal purposes in cases of sickness.

Application
of proceeds
of sales.

9. *And be it enacted*, That the net proceeds of the sales of any of the lands of said company shall be applied to the payment and discharge of any encumbrances or liens that may be thereon, or shall be invested in bonds and mortgages or other securities for the benefit of said company, or shall be divided among the stockholders until all their lands shall be disposed of, after which all the assets of the company then existing shall be divided among said stockholders, and this charter shall cease and determine; *provided*, that no such division of said assets shall be made until all the debts of the company shall be paid.

Proviso.

Limitations
and restric-
tions.

10. *And be it enacted*, That this act shall be deemed a public act, shall go into effect immediately, and shall not continue in force longer than twenty years; 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 fourteenth day of February, eighteen hundred and forty-six.

Approved March 12, 1852.

CHAPTER XC.

A further supplement to an act entitled, "An act to regulate the fisheries in the River Delaware, and for other purposes," passed November twenty-sixth, eighteen hundred and eight.

Fishing with
gilling seines
or drift nets.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no person, being an inhabitant of this state or of the state of Pennsylvania, shall

be subjected to the pains and penalties prescribed by law for illegal fishing in the river Delaware with a gilling seine or drift net, unless he shall so fish in some pool or fishing place entered as such according to law ; *provided*, that any Proviso. person so fishing, except as to the entering of the place fished by him as his fishery, shall, in all other respects, conform to the laws regulating fisheries in said river ; *and pro-* Proviso. *vided further*, that nothing in this act shall be construed to impair the right of the owner of any shore upon said river to the exclusive enjoyment of his fishery, annexed thereto, upon entering the same as a fishery as aforesaid.

2. *And be it enacted*, That so much of any law as limits Part of former act repealed. the length of gilling seines or drift nets used in said river to sixty fathoms, shall be, and the same is hereby repealed.

3. *And be it enacted*, That no section, proviso, or part Act not valid until concurred in by Pennsylvania. of this act shall be considered as valid or operative, until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved shall immediately go into full force and effect ; and that the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Approved March 12, 1852.

CHAPTER XCI.

A further supplement to an act entitled, "An act to incorporate the Morristown Fire Association," passed February twenty-seventh, eighteen hundred and thirty-seven.

WHEREAS the Morristown Fire Association have raised, by Preamble. tax, more than the sum of four thousand dollars, and expended the same for the purposes of their incorporation,

and it is necessary, to enable the said association to accomplish the object of its incorporation, that it should have power to raise money by tax, from time to time, as occasion may require—therefore,

Association
authorized
to raise mo-
ney by tax.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said the Morristown Fire Association shall have full power and authority to raise, by tax, yearly and every year, any sum of money, not exceeding, after making a reasonable allowance for the expenses incident to the assessment and collection of the tax, and for losses that may be incurred by inability to collect taxes that may be imposed, the sum of one thousand dollars.

Mode of as-
sessment.

2. *And be it enacted*, That the tax to be raised shall be assessed upon the actual value of the property liable, under the charter and its supplement heretofore passed, to taxation by the association, having regard, in addition thereto, only to the proximity of the said property to the cisterns and fire apparatus of the said association, and that such property, so taxable, shall be divided and arranged into three distinct classes for this purpose, upon the assessor's book of assessment; and in class number one shall be placed such property as would in case of fire, by reason of its location, have the full benefit of the cisterns and fire apparatus of said association; in class number two, such as by reason of its location would have the benefit of only a part of said fire apparatus; in class number three, such as shall be so remote from the cisterns and fire apparatus aforesaid as to derive no benefit from said cisterns; and that property in class number one shall be rated, in apportioning said tax, at double its actual value; in class number two at fifty per cent. above its actual value; in class number three at its actual value.

Managers to
borrow mo-
ney.

3. *And be it enacted*, That the board of managers of the said association be, and they are hereby authorized to borrow any sum of money, not exceeding one thousand dollars, to be applied to the purposes of said association, and to secure the payment thereof by mortgage of the property of said association, or otherwise, as may be convenient and necessary; and any promissory note or notes, mortgage,

bond or bonds, or other security given for the payment thereof by authority of the said board of managers, expressed by resolution adopted at a meeting duly called for that purpose, and entered on the minutes of said association, three-fourths of the said board being present, and entering with their hands on said minutes their consent thereto, shall be valid, and bind the said corporation and its property.

4. *And be it enacted*, That there shall be deducted, by the assessor, from the tax of any person or persons whose property shall be assessed under this act, all such sum or sums of money as have heretofore been paid by him, her, or them, under any assessment which has been, by any decision of the supreme court of this state, declared to have been illegal, and made by color of the act to which this is a supplement; and such person or persons shall only be liable to pay the balance of his, her, or their tax, after making the deduction as aforesaid.

5. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately.

Approved March 12, 1852.

CHAPTER XCII.

AN ACT to alter the act entitled, "An act to incorporate the town of Belvidere," approved March nineteenth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, at any election of town officers under and by virtue of the act to which this is a supplement, each qualified voter may vote for the whole number of said officers to be elected at such election.

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

Approved March 12, 1852.

CHAPTER XCIII.

AN ACT to repeal an act entitled, "An act regulating elections in the township of Franklin, in the county of Gloucester," approved March fourth, eighteen hundred and forty-six.

Former act
repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act regulating elections in the township of Franklin, in the county of Gloucester, approved March the fourth, one thousand eight hundred and forty-six, be, and the same is hereby repealed.

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

Approved March 12, 1852.

CHAPTER XCIV.

AN ACT to change the mode of voting at town meetings in the township of Wallpack, in the county of Sussex.

Part of former act
repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act, approved March the first, eighteen hundred and forty-nine, and entitled, "A supplement to an act entitled, an act to authorize the inhabitants of the township of Plainfield, in the county of Essex, the inhabitants of the township of Vernon, in the county of Sussex, and the inhabitants of the township of Independence, in the county of Warren, to vote by ballot at their town meetings," approved February ninth, one thousand eight hundred and forty-eight, as relates to the township of Wallpack, in the county of Sussex, be, and the same is hereby repealed.

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

Approved March 12, 1852.

CHAPTER XCV.

A further supplement to the act entitled, "An act to incorporate the city of Camden," approved March fifth, one thousand eight hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly* School tax to be raised, and paid to treasurer.
of the State of New Jersey, That the board of trustees of common schools shall determine the amount of tax to be raised each year in said city for school purposes, and shall order and direct the assessors of the said city to assess and raise such sum or sums of money, not exceeding in any one year two mills in the dollar, as they shall think necessary and expedient to support and maintain public schools and erecting school houses in the said city; which tax, when raised and collected, shall be immediately paid over to the treasurer of said trustees for the time being, and his receipt, and it alone, shall be a discharge for the same to the officer collecting or receiving the said tax; and if any collector, constable, or other officer, whose duty it shall be to collect such tax, shall neglect to pay the same, or any part thereof, to the treasurer of the said board of trustees of common schools of said city, within one month from the time of collecting or receiving the same, the official bond of such officer may be prosecuted on account of such tax by the said trustees, to their use, in the name of the city of Camden; *provided*, that no assessor or collector shall be allowed any Proviso. fee for assessing, levying, or collecting any tax which shall be assessed, levied, and collected under and by virtue of this supplement.

2. *And be it enacted*, That the city council of Camden, City council to grant tavern licenses when assembled, shall have the sole and exclusive right and power to grant, by a majority of votes, licenses to persons to keep inns and taverns; for the accommodation of men and provender for horses within the said city, 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 courts of common pleas of this state.

3. *And be it enacted*, That at the annual elections, to be

Board of
elections.

holden on the second Tuesday of March, in each year hereafter, in the several wards of said city, there shall be elected by ballot, annually, in each ward, from among the voters resident therein, two inspectors of elections, who shall, with the judge of elections in each ward, respectively, constitute the board of elections in such ward, and shall hold all elections in the wards in which they are respectively elected; and the said inspectors of elections shall take the like oaths and affirmations, possess the same powers, and perform the same duties, in the conducting of elections, as the assessors and collectors of the several townships in this state, and shall be entitled to receive the same fees for their services therein; and any vacancy in the office of any such inspector shall be filled in the same manner as vacancies in the office of judge of elections are filled; *provided*, that in the election of said inspectors of elections, no ballot shall contain the name of more than one person to be voted for as an inspector of elections; and, in case any ballot voted shall contain the names of more than one person voted for said office, both names shall be rejected.

Proviso.

Part of former act repealed.

4. *And be it enacted*, That so much of the said act, to which this is a supplement, and of all other acts as are repugnant hereto, be, and the same are hereby repealed; and this act shall take effect immediately.

Approved March 17, 1852.

CHAPTER XCVI.

Supplement to an act entitled, "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six.

Time of filing pleas.

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 defendant in any action at law shall

file his plea within thirty days after service upon him, or his attorney, of a notice in writing of the filing of the declaration therein; and if further pleadings shall be necessary, they shall be filed, each, within thirty days after the filing of the other.

2. *And be it enacted*, That the defendant in any action at law shall, before or at the time of filing his plea therein, also file with the clerk of the court, in which said action is commenced, an affidavit made by said defendant, stating that the said plea is not intended for the purpose of delay, and that he verily believes that he hath a just and legal defence to said action, upon the merits of the case. Affidavit to be filed.

3. *And be it enacted*, That it shall be lawful for the plaintiff, in any action at law in debt or assumpsit, to annex to his declaration therein a schedule exhibiting the real amount claimed to be due to him in said suit, which shall contain a copy of any note, bill, draft, bond, or deed, or a copy of the account or bill of particulars of the demand on which such action is founded, with an affidavit annexed, that the amount so claimed by him is justly due to him from the defendant; and that the defendant, at the time of filing his plea to any declaration to which such schedule and affidavit are annexed, shall file therewith an affidavit that such amount so claimed, or some part thereof particularly specified in such affidavit, is not due and owing by him to the plaintiff, or that he has a just and legal setoff to make thereto, specifying the amount of such setoff, and annexing thereto a schedule thereof as aforesaid; and in case no such affidavit is filed, the plaintiff may, at the expiration of the time for pleading, without any assessment, enter judgment final for the amount claimed in the schedule to his declaration; and in case the affidavit filed by the defendant denies part only of the plaintiff's claim or claims, a setoff less than the whole amount, the plaintiff may enter such judgment, in manner aforesaid, for the residue thereof. Schedule of amount due may be filed.

4. *And be it enacted*, That any affidavit in this act authorized or required, may, in the absence of the party, be made by his attorney or agent in such matter, and shall be sufficient if sworn to as the affiant verily believes; and that any plea filed without the affidavit required by this act may Affidavit, in absence of party, made by attorney.

be treated as a nullity ; and that the notice authorized by the first section of this act may be served either personally or by being left at the dwelling house of the person served therewith ; and, before entering judgment for want of filing a plea within thirty days after such notice, the plaintiff shall file a copy of such notice, and an affidavit of service thereof ; and that all judgments hereby authorized may be entered of course, either in term or vacation, by a rule for judgment entered in the minutes of the court, and that the term "plea," where used in this act, shall be taken to include a demurrer.

Approved March 17, 1852.

CHAPTER XCVII.

A supplement to an act entitled, "An act to incorporate the Shrewsbury Mutual Fire Insurance Company," passed February twenty-seventh, one thousand eight hundred and thirty-eight.

Location of
office of cor-
poration.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the office of the corporation, created by the act entitled, "An act to incorporate the Shrewsbury Mutual Fire Insurance Company," passed February twenty-seventh, one thousand eight hundred and thirty-eight, be permanently located in the village of Eatontown.

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

Approved March 17, 1852.

CHAPTER XCVIII.

A further supplement to the act entitled, "An act establishing a militia system," 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 it shall be the duty of the assessors of the several and respective townships and wards throughout the state, and they are hereby authorized and required to designate and make out enrolled schedules of all white male persons within their respective districts upon each annual assessment, between the ages of eighteen and forty-five years, who are liable to perform military duty, and forward the same, under proper certificate, addressed to the adjutant general, at Trenton, on or before the first day of September annually; and that the sum of one dollar for every one hundred names in such schedule be allowed to the assessors forwarding the same, to be paid by the several and respective townships and cities in which such enrolled schedules are made out and forwarded according to law. Enrollment of names. Fees of assessors.

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

Approved March 17, 1852.

CHAPTER XCIX.

A supplement to the act entitled, "An act concerning justices of the peace and courts of general quarter sessions of the peace," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all criminal complaints before a justice of the peace, where, in his opinion, public Special constables may be appointed

justice would require that process to arrest the offender or offenders should be executed immediately, and no constable can be had in time, it shall be lawful for said justice, by writing under his hand and seal, to appoint some fit person, being a citizen of this state, to execute the same, who shall have the same authority in the premises, in all respects, as a constable would have, and to be subject to the same liability.

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

Approved March 17, 1852.

CHAPTER C.

AN ACT to exempt from sale or execution the homestead of a householder having a family.

Buildings
occupied as
a residence
exempt from
sale.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That, in addition to the property now exempt by law from sale under execution, there shall be exempt by law from sale or execution, for debts hereafter contracted, the lot and buildings thereon occupied as a residence and owned by the debtor, being a householder and having a family, to the value of one thousand dollars; such exemption shall continue after the death of such householder for the benefit of the widow and family, some or one of them continuing to occupy such homestead, until the youngest child shall become twenty-one years of age and until the death of the widow; and no release or waiver of such exemption shall be valid.

Notice to be
recorded
and published.

2. *And be it enacted*, That, to entitle any property to such exemption, the conveyance of the same shall show that it is designed to be held as a homestead under this act, or if already purchased, or the conveyance does not show such design, a notice that the same is designed to be so

held, shall be executed and acknowledged by the person owning the said property, which shall contain a full description thereof, and shall be recorded in the office of the clerk of the county in which the said property is situate, in a book to be provided for that purpose, and to be known as the "Homestead Exemption Book;" and such notice and description, as aforesaid, shall also be published once in each week, for at least six weeks, in one or more public newspapers in the county in which such property is located; and if no newspaper be published in such county, then in a newspaper published nearest the same; but no property shall, by virtue of this act, be exempt from sale for non-payment of taxes or assessments, or for any labor done thereon, or materials furnished therefor, or for a debt contracted for the purchase thereof, or prior to the recording of the aforesaid deed of notice.

3. *And be it enacted*, That if, in the opinion of the officer holding an execution against such householder, the premises claimed by him or her as exempt are worth more than one thousand dollars, he shall summon six qualified jurors of the county, who shall, upon oath or affirmation, to be administered to them by such officer, appraise said premises; and if, in the opinion of the jury, the property may be divided without injury to the interests of the parties, they shall set off so much of said premises, including the dwelling house, as in their opinion shall be worth one thousand dollars, and the residue of said premises may be advertised and sold by such sheriff.

Premises may be appraised in cases of over-valuation.

4. *And be it enacted*, That in case the value of the premises shall, in the opinion of the jury, be more than one thousand dollars, and cannot be divided as provided for in the last section, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the execution debtor, or to some of his family of a suitable age to understand the nature thereof, with a notice thereof attached, that unless the execution debtor shall pay to said officer the surplus over and above one thousand dollars within sixty days thereafter such premises will be sold.

Excess may be sold in cases of over-valuation.

5. *And be it enacted*, That in case such surplus shall not

Proceeds of sale, how disposed of. be paid within the said sixty days, it shall be lawful for the officers to advertise and sell the said premises, and out of the proceeds of such sale to pay such execution debtor the said sum of one thousand dollars, which shall be exempt from execution for one year thereafter, and apply the balance on such execution; *provided*, that no sale shall be made unless a greater sum than one thousand dollars shall be bid therefor, in which case the officer may return the execution for want of property.

Proviso.

Costs of setting off homestead.. 6. *And be it enacted*, That the costs and expenses of setting off such homestead, as provided herein, shall be charged and included in the officer's bill of costs upon the said execution.

Homestead not to be sold or leased. 7. *And be it enacted*, That in case any lot and buildings have been declared, according to the provisions of this act, a homestead, it shall be reserved as such for the use of the family, and shall not be sold, aliened, or encumbered by the owner thereof, nor leased for a longer term than one year; and any such sale, alienation, encumbrance, or leasing shall be void, unless the same be made with the full consent of the wife or husband of said owner (if he or she have any), by deed duly acknowledged, and unless the consideration paid for the same be its full fair value, and the same, or one thousand dollars thereof, shall be actually invested in the purchase of other lands and buildings, declared to be a homestead in the manner herein provided; and the title of such purchaser shall not be good until such purchase money is so invested, and also except in cases where such householder has removed out of the state, nor shall any homestead be rented out or leased for any time without the consent of the wife of the owner.

Approved March 17, 1852.

CHAPTER CI.

A further supplement to the act entitled, "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when a party to any civil action in any court of record in this state shall be desirous, and entitled by law to call or examine as a witness any adverse party therein, it shall be lawful to examine such party by commission or de bene esse, or in any other way that other witnesses may be examined in such suits, and the attendance of such party may be compelled by the same process as is authorized in the case of other witnesses; and in the proceedings in such courts, when any party is called upon or desired as a witness by the opposite party, he shall be subject to the same rule of law as all other witnesses are; *provided*, that nothing in this act shall compel any party to be examined as a witness in any case where he cannot now be compelled by law to be so examined. Adverse party may be examined as a witness. Proviso.

2. *And be it enacted*, That an order for the issuing of any commission authorized by the act entitled, "An act authorizing commissions and the taking of depositions," may be made by any judge of the court out of which the same may issue, at his chambers, either in term or vacation, upon five days' notice of the application for such order to the opposite party, or his attorney; and such order shall have the same force and effect as a rule or order made in open court. Order for issuing commissions.

3. *And be it enacted*, That any examination or deposition, so taken, shall be read, used, and deemed as good and competent evidence in the cause, litigation, or controversy, as if such party or witness had been duly examined in open court upon the trial thereof. Examinations to be deemed valid.

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

Approved March 17, 1852.

CHAPTER CII.

AN ACT to set off a part of the township of Hohokus, in the county of Bergen, and to annex the same to the township of Washington, in said county of Bergen.

Boundaries
of portion
of township
set off.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Hohokus, in the county of Bergen, lying within the following boundaries, to wit: beginning at a place where the Saddle river brook and Small creek meet; thence northerly, up the middle of the said Saddle river brook, to the New York and New Jersey state line; thence easterly, along the said New York and New Jersey state line, until it strikes the above named Small creek; thence down along the middle of said Small creek to the place of beginning, shall be, and hereby is set off from the township of Hohokus, in the county of Bergen, and is hereby annexed to, and shall hereafter form a part of the township of Washington, in the said county of Bergen.

2. *And be it enacted*, That this act shall take effect on the first Monday in April next.

Approved March 17, 1852.

CHAPTER CIII.

AN ACT for the purchase of Stephens' Historical Index of New Jersey.

Distribution
of copies.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That five hundred dollars be appropriated, out of any money in the treasury not otherwise appropriated, for the purchase, when printed, of so many copies of Stephens' Historical Index of New Jersey,

as the same will pay for at the subscription price, and that the same be distributed as follows, to wit: one copy to each member of the present legislature and to the governor; and that the governor cause to be transmitted three copies to the president of the United States, for the use of the national library, and one copy to the governor of every state in the Union, for the use of the library of said state, and the balance, if any, to be deposited in the state library.

Approved March 17, 1852.

CHAPTER CIV.

A further supplement to the "Act to incorporate the city of Trenton," passed the seventh day of March, A. D. one thousand eight hundred and thirty-seven.

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, all that part of said city lying and being within the following limits and boundaries, that is to say: beginning at the centre of Warren and Perry streets; thence along the centre of Perry street to the Millham road; thence along the Millham road to the Lawrence line; thence along said line to the Princeton turnpike; thence down Warren street to the place of beginning, shall constitute the third ward of said city. Boundaries of third ward

2. *And be it enacted*, That all that part of the city of Trenton which is included in the limits and boundaries of the third ward, shall be constituted and named the fifth ward of said city. Fifth ward.

3. *And be it enacted*, That the same number of officers now required by law to be elected in the several wards of said city, shall be elected annually in the ward constituted by this act. Ward officers.

4. *And be it enacted*, That hereafter there shall be elected, by each of the wards of said city, from among the per- Members of common council.

sons entitled to vote therein, three members of common council, who shall hold their office for the term of one year from the time of their election, provided they shall continue to reside in the ward from which they shall be elected.

Common council to grant license for menageries, &c.

5. *And be it enacted*, That the common council of said city shall have the sole and exclusive right and power, by ordinance, to provide for licensing menageries or collections of beasts and other exhibitions, which by law require a license, in the same manner as is now done by justices of the peace; and the said council may pass ordinances prohibiting, regulating, and licensing the exhibition of any interlude, farces, or plays of any kind, or any games, tricks, juggling, sleight of hand, or feats of uncommon dexterity or feats of body, and all such like shows or exhibitions; and the price and assessment for any licenses granted by virtue of this section shall be paid to the treasurer of the city, for the use of the city.

City marshal

6. *And be it enacted*, That at every annual election to be hereafter held in said city, there shall be elected a marshal, to be voted for and elected at large, for the term of one year, the same as the mayor of said city.

Part of former act repealed.

7. *And be it enacted*, That all parts of the act entitled, "An act to incorporate the city of Trenton," and all supplements thereto as may conflict with this act, be, and the same are hereby repealed.

Place of holding election in third ward.

8. *And be it enacted*, That the first annual election for said ward shall be held at the house now occupied by Henry Pauck, called the Belvidere Hotel; and the voters who attend at the hour appointed shall choose three judges and a clerk at the first election, who shall be sworn or affirmed faithfully to execute their offices by a justice of the peace or a city magistrate; said officers to hold said election, and make returns thereof, in the same manner as is required by law of other ward election officers.

Act not to go into effect till submitted to the people.

9. *And be it enacted*, That this act shall not go into effect, unless the assent of a majority of the electors of the city of Trenton, who shall vote thereon, shall first be obtained; and for that purpose a poll shall be opened in each ward of the city of Trenton, on Monday the third day of April, A. D. one thousand eight hundred and fifty-two, at

the hour of seven o'clock in the forenoon, and kept open till the hour of seven o'clock in the afternoon of that day, under the direction of the judges of the last election in the several wards of the said city, and at the place in each ward where the last election was held, of which time and place, at least one week's previous notice shall be given; and if at such election, so to be held as aforesaid, a majority of the electors who shall vote at said election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

Approved March 18, 1852.

CHAPTER CV.

Supplement to an act entitled, "An act to divide the township of North Bergen, in the county of Hudson, and to establish in said county a new township, to be called the township of Hoboken."

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the township of Hoboken, in the county of Hudson, be, and they are hereby authorized to raise, in the manner prescribed by law for other purposes, at their annual town meetings, any sum of money they may deem proper, not exceeding five hundred dollars, to be solely and exclusively applied, by the town committee, to the procuring, repairing, maintaining, and preserving the engines, engine houses, reservoirs of water, ladders, buckets, fire hooks, and all necessary implements and machines, and to such other incidental expenses as shall to the said town committee appear best calculated to secure the property of their fellow citizens from injury or destruction by fire. Money may be raised for fire engines, &c.

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

Approved March 18, 1852.

CHAPTER CVI.

AN ACT to prevent swine from running at large in this state.

Inhabitants
of township
to decide by
vote.

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 inhabitants of any township or ward in this state, at their annual town meeting, to vote, viva voce or by ballot, whether swine shall be permitted to run at large in said township; and if a majority of the voters voting thereupon shall vote to prevent the same, such determination shall continue in force, and shall not be altered for the term of three years.

Parts of
township
may decide
by vote to
prevent
swine run-
ning at large

2. *And be it enacted*, That it shall be lawful for the inhabitants of a part of any township or townships in this state, of an area not less than one square mile in extent, wishing to come under the provisions of this act (if there be no special law on this subject in force relative to such township or townships), to meet at some convenient place within the said district, upon ten days' previous notice, given by advertisements set up in three of the most public places in said district; and if a majority of the legal voters actually resident at the time of such meeting within the said district, then and there assembled, shall vote in favor of preventing swine from running at large within said district, the provisions of this act shall have full force and effect within the said district.

Fees of
keeper for
impounding

3. *And be it enacted*, That it shall and may be lawful for any person, who is a resident of the said township or district, respectively, to drive or convey to the public pound of the township any swine found running at large in the public streets, highways, or otherwise, and impound the same; and the keeper or keepers of the public pounds in said township is, or are hereby required and authorized to receive all such swine; and the keeper shall have twenty-five cents, per head, for letting in and out of the pound, and for feeding and keeping, five cents, per head, for every twenty-four hours they shall continue in said pound; and if the owner or owners of the said swine, so impounded,

shall not pay the charges of impounding and keeping the said swine within six days after said swine shall be impounded, and take the same away, it shall be the duty of the said poundkeeper to set up advertisements in three of the most public places in said township or district, describing such swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such swine do not appear and redeem the same before the time so notified, then the said poundkeeper shall sell the same accordingly, and, out of the money arising from such sale, shall pay the charges of conveying to the pound, and retain in his hand his fees for impounding, keeping, and feeding said swine, and twenty-five cents for advertising sale and collecting the money for each swine, and pay the surplus to the owner or owners of the said swine, if they shall appear and claim such surplus within six months after such sale; and if the owner shall not appear within the time specified, the same shall be paid to the overseer of the poor of the said township, for the use of the poor of the said township.

4. *And be it enacted*, That it shall and may be lawful for the inhabitants of any town, village, or district, coming under the provisions of this act, to elect one or more poundkeepers, who shall be residents for the time being of said town, village, or district, to erect, or cause to be erected, a public pound or other enclosure, at the expense of the townships or districts, respectively, for the safe keeping of swine found running at large as aforesaid.

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

Approved March 18, 1852.

CHAPTER CVII.

A supplement to the act entitled, "An act for the preservation of clams and oysters," approved April fourteenth, eighteen hundred and forty-six.

Time for taking oysters in Hudson county extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period limited for the raking or taking of clams and oysters in any beds or banks within this state, contained in the first section of the act to which this is a supplement, shall, so far as relates to the county of Hudson, be extended from the first day of May to the first day of July, in each and every year, any thing in the act, to which this is a supplement, to the contrary notwithstanding.

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

Approved March 18, 1852.

CHAPTER CVIII.

Supplement to an act entitled, "An act to provide for the safe keeping of the records in the surveyor general's office of the eastern and western divisions of this state," passed December sixth, eighteen hundred and twenty-five.

Commissioners to purchase lot and erect building in Perth Amboy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis W. Brinley, William Paterson, and David Crowell, or any two of them, be, and they are hereby appointed commissioners, with the authority to purchase a convenient lot of land in the city of Perth Amboy, the title whereof shall be vested in the state of New Jersey, and to erect thereon a building, of materials not liable to be destroyed by fire, of such dimensions as may be necessary for the safe keeping of the re-

cords of surveys and other instruments of writing, maps and drafts, belonging to the office of the surveyor general of the eastern division of this state, at Perth Amboy.

2. *And be it enacted*, That a sum, not exceeding one thousand dollars, be, and the same is hereby appropriated for the purpose of purchasing the said lot of land, and erecting thereon the building aforesaid, to be paid by the treasurer of this state, on warrant from the governor, out of any moneys in the treasury not otherwise appropriated. Appropriation.

3. *And be it enacted*, That, as soon as the said building shall be completed, and notice thereof in writing given by the said commissioners, or any of them, to the surveyor general of the said eastern division, it shall be the duty of the said surveyor general to remove to the said building all the books of records and papers belonging and appertaining to the office of surveyor general of the said division, and to keep the same therein; and if the said surveyor general shall neglect or refuse, for the space of thirty days after notice as aforesaid, to remove to the said building all the books of records and papers belonging and appertaining to his said office, he shall forfeit and pay, for each and every day he shall so neglect or refuse, the sum of fifty dollars, to be sued for and recovered by the treasurer of this state for the time being, for the use of the state. Surveyor general to remove records and papers to new building.

4. *And be it enacted*, That a sum, not exceeding four hundred dollars, be, and the same is hereby appropriated for the purpose of doing all needful repairs to the office in which the records for the western division of New Jersey are kept, located in the city of Burlington, and also for the purpose of binding and rebinding all such books of public record of said western division, as require the same; and that said sum of four hundred dollars be paid by the treasurer of this state, on warrant from the governor, out of any moneys in the treasury not otherwise appropriated, to Franklin Woolman, Samuel W. Earl, and John Larzelere, or any of them, who are hereby appointed commissioners, with authority to cause said repairs to be done, and said books of public record to be bound and rebound. Appropriation for office in Burlington.

5. *And be it enacted*, That so much of the act aforesaid, to which this is a supplement, and all other enactments in- Part of former act repealed.

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

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

Approved March 18, 1852.

CHAPTER CIX.

AN ACT to incorporate the New Jersey Natural History Society.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Abram Coles, James J. Mapes, Alexander C. Farrington, Richard Jones, William Kitchel, William Bradley, Frederick W. Ricord, Samuel Wetherill, William B. North, and J. Sandford Smith, and such persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the New Jersey Natural History Society," and by that name they and their successors may and shall be known in law.

What real
estate may
be held.

2. *And be it enacted*, That the corporation, hereby created for the promotion of science in New Jersey, may acquire, hold, purchase, mortgage, and sell such real and personal estate as the purposes of the said corporation may require; but the whole income of such real and personal estate shall not exceed three thousand dollars, and shall be exempt from taxation.

First direct-
ors.

3. *And be it enacted*, That the business of the said corporation shall be conducted by a board of directors, to consist of twelve members, and that Abram Coles, James J. Mapes, Alexander C. Farrington, Richard Jones, William Kitchel, William Bradley, Frederick W. Ricord, Samuel Wetherill, William B. North, Jacob Ennis, J. Sandford Smith, and Charles Grant shall be the first directors of said corporation, and shall continue in office until the second

Tuesday of April, eighteen hundred and fifty-two, or until others shall be chosen; and that annual elections shall be held for directors, at such time as shall be prescribed by the by-laws.

4. *And be it enacted*, That the officers of the society Officers of society. shall be a president, two vice presidents, a corresponding secretary, recording secretary, and treasurer, who shall be chosen annually by the board of directors; and the president and vice presidents shall be taken from the board of directors, and also such other officers and agents as the directors shall see fit to employ; and in case of vacancy in the officers or board of directors between the annual meetings, the same may be filled by the board of directors, at any of its regular meetings.

Approved March 18, 1852.

CHAPTER CX.

A supplement to the act entitled, "An act to incorporate the Odd Fellows' Hall Association of Camden, New Jersey," approved February twenty-seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly* Members may be witnesses. of the State of New Jersey, That hereafter, in any suit or legal proceeding in which the Odd Fellows' Hall Association of Camden, New Jersey, is a party, no member or stockholder shall be deemed incompetent to give testimony, by reason of his membership or interest.

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

Approved March 18, 1852.

CHAPTER CXI.

AN ACT to incorporate the Trenton Hose Company, of Trenton.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Furman, Sylvester Van Sickell, Thomas P. Johnston, George Cogill, James Seeds, John G. Marsh, John B. Johnston, Jesse M. Clark, and all persons, not exceeding forty in number, as now are, or hereafter shall become associates of the Trenton Hose Company, of Trenton, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "the Trenton Hose Com-

General pow-
ers.

pany," of Trenton; and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and, by their corporate name as aforesaid, and under their common seal, make, enter into, and execute any contracts or agreements touching or concerning the objects of said incorporation; and shall have full power and authority to make, form, and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Amount of
capital stock.

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

Officers of
corporation.

3. *And be it enacted*, That the said company shall have power to elect, annually or oftener, if necessary, a president,

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

4. *And be it enacted*, That it shall and may be lawful for the Senate and General Assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper. Act may be amended or repealed.

Approved March 18, 1852.

CHAPTER CXII.

AN ACT to incorporate the Shrewsbury Plank Road Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Elijah Stout, Thomas Morford, jun., John Borden, Joseph Shepherd, Joseph Laird, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Shrewsbury Plank Road Company," and by that name they and their successors shall be known in law. Names of incorporators.

2. *And be it enacted*, That the capital stock of said corporation shall be seventy-five 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 said corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That Elijah Stout, Thomas Morford, jun., John Borden, Joseph Shepherd, Joseph Laird, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said corporation, and they, Commissioners to open books of subscription.

or a majority of them, are hereby authorized, for that purpose, to open books of subscription, at such times and places in the county of Monmouth as they, or a majority of them, shall appoint, giving twenty days' notice of such times and places in two of the newspapers published in Monmouth county, and in such other newspapers as the said commissioners, or a majority of them, shall deem advisable; and at such times and places, so fixed, the said commissioners, or a majority of them, shall attend, and receive subscriptions to the capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners, in gold or silver or legal and current bank notes, and the residue may be called in, and shall be paid at such times and in such amounts, by instalments, as is by this act herein after directed.

Election of
directors.

4. *And be it enacted*, That whenever there shall be five hundred shares of the said stock subscribed, and two thousand five hundred dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in one or more newspapers of this state, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners, or a majority of them, shall be the judges; which subscribers, when so met, shall proceed to elect by ballot, from among the stockholders, seven directors, a majority of whom shall be citizens and of this state, and hold their offices for one year and until others are elected; and such stockholder, at such election and at all future elections of said corporation, shall have one vote for each share he, she, or they shall own at the time of such election; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

Payment of
instalments.

5. *And be it enacted*, That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to call in the remainder

of the capital stock of said corporation by instalments, not exceeding five dollars on each share, by giving thirty days' notice of such required instalments in one or more newspapers published in Monmouth county; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she, or they so neglecting or refusing shall forfeit their stock, and all payments thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just.

6. *And be it enacted*, That when the said board of directors are so elected and chosen; the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they, or a majority of them, shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom all expenses to which they have been exposed, and the sum of one dollar and fifty cents per day, for each and every day they have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held, at such time and place as their by-laws shall direct, for directors of the said corporation.

Commissioners to pay over subscription money to directors.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on that day or at the time when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Corporation not to be dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a plank road, not exceeding sixty feet in width, to commence in or near the village of Freehold, and passing through the village of Colt's Neck, in the most eligible route to Red Bank, its point of termination, in the township of Shrewsbury; 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

Company authorized to construct road.

all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this 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 construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of such lands be first had and obtained; *provided*, that no steam power shall be used, nor iron rails or other obstructions to common travel placed thereon.

Proviso.

Proviso.

Proceedings
in case com-
pany and
owners can-
not agree.

9. *And be it enacted*, That if the owners of the land on which such road shall be located, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested and impartial commissioners, freeholders of the county in which the land lies, to assess the price or value of such land and all damages sustained, who shall be sworn, before some officer authorized by law to administer an oath, faithfully to execute the duties of such appointment; and, after ten days' notice in writing 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 award and decision, together with a description of such 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 justice 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 in which said lands lie, there to be recorded and 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 circuit court of the county in which said lands lie, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which 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 the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of the said land and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum 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 of all such lands and real estate, so appraised as aforesaid, for the purposes of said road.

10. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal Proceedings in case of legal disability of owners.

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 the owner or owners; all which proceedings, as well under this, as the last 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 justice shall and may direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

Rates of toll.

11. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, whenever two miles of said road are completed, and demand and receive toll for each mile of the said road so made, 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, and so in proportion for a greater or lesser number, five mills.

For every dozen of horses, mules, or cattle, and so in proportion for a greater or lesser number, two cents.

And it shall be lawful for any tollgatherer to stop any horse, mule, calves, sheep, hogs, carriage of burthen or pleasure, from passing through any of the said gates or turnpikes, until the toll, as above specified, has been paid for them respectively.

Mile stones
or posts to
be erected.

12. *And be it enacted*, That before the said company shall demand or receive toll for travelling 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 the point of the commencement of said road in Red Bank; and shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

13. *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 shall wilfully cut, break down, destroy, or deface, or otherwise injure, any gate, turnpike, bridge, machinery, timber, or plank, that shall be erected, built, placed, or laid down in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at the gates or turnpikes, such person or persons shall forfeit and pay a fine of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit; and if any person shall, with his team, carriage, or horse, turn out of said road to pass a gate or gates, 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, to their use, in an action of debt, with costs of suit.

Penalty for
injuring
works.

14. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any person passing at any of the gates, 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 for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
delaying tra-
vellers.

15. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, 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 or persons on horseback to pass; and if any person shall offend against this provision, such person or persons shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars, to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered by an action of debt, with costs of suit.

Penalty for
obstructing
passage.

16. *And be it enacted*, That this act shall take effect immediately; and the said corporation shall have all the powers and privileges, and be subject to the restrictions, limit-

Powers and
privileges.

ations, and conditions specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Commence-
ment and
completion
of road.

17. *And be it enacted*, That if the said plank road shall not be commenced within two years, and completed and in use within five years from the passage of this act, that then and in that case this act shall be void.

Approved March 19, 1852.

CHAPTER CXIII.

A supplement to the act entitled, "An act to divide the township of North Bergen, in the county of Hudson, and to establish a new township in said county, to be called the township of Hoboken."

Township
committee
to make and
enforce ordi-
nances.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Hoboken, in the county of Hudson, shall have power to make and enforce all ordinances necessary for grading, regulating, paving, curbing, guttering, making side and cross walks in, and determining the width of the sidewalks, in Hudson, Washington, Bloomfield, and Garden streets, in the village of Hoboken, in the township of Hoboken aforesaid, for assessing the costs and expenses of the same equitably upon the owners of property who may be benefited thereby, and for collecting the amount thereof from the persons against whom such assessments shall be made respectively.

Maps of sts.,
&c., to be
made and
filed.

2. *And be it enacted*, That no ordinance of said township committee shall be valid or take effect, unless concurred in by three, at least, of the members of said township committee; and whenever any ordinance regulating any of said streets, or the grading thereof, or regulating the width of the sidewalks therein, shall be passed, a map thereof,

drawn in conformity with the requirements of such ordinance, shall be made, under the direction of said township committee; and placed in the office of the clerk of said township, for the inspection of all persons interested in such improvements, and to remain as evidence in all causes and matters relating to the same.

3. *And be it enacted*, That it shall and may be lawful for said township committee, in each and every case where any of the improvements by this act authorized to be made shall be prayed for, as herein after provided, and ordinance passed by the township committee for that purpose, to appoint three discreet, impartial, and disinterested persons, residents in Hoboken aforesaid, who shall be duly sworn or affirmed to assess, upon principles of equity and according to the benefit which the owner or owners thereof may derive therefrom, the real estate in said village, for the costs and expenses of making such improvements, respectively, and the expense of making such assessment, which assessment, when made, shall be subscribed by said assessors, and filed in the office of the clerk of Hoboken township; and in case the moneys therein assessed shall not be paid by the persons liable therefor, respectively, shall not be paid to said township committee within thirty days after the same shall have been confirmed, then in such case the township committee may proceed to enforce the lien herein after created upon the said real estate; *provided*, that no assessment shall become final until after notice thereof shall have been published, by the said three assessors, by notice in writing, set up in five of the most public places in Hoboken aforesaid, for the space of twenty days, at least, and until the same shall have been confirmed by the said township committee, of the meeting of which committee like public notice shall be given, and to whom any person aggrieved may at that time appeal for relief; and if, by reason of such appeal, deficiencies shall arise in the amount necessary to complete such improvement, the same shall be made up, assessed, and collected in like manner; *provided*, that no such assessment shall be made, unless upon the petition in writing of the owners of two-thirds, at least, of the

Assessment
for improve-
ments to be
made.

Proviso.

Proviso.

lots in any street in which any such improvement shall be applied for.

Assessments
to be a lien.

4. *And be it enacted*, That all assessments which shall be made or assessed upon any real estate in said village by virtue of this act, shall be and remain a lien thereon from and after the time when the same shall be assessed, notwithstanding any subsequent devise, descent, alienation, mortgage, or other encumbrance thereof; and if the full amount of any such assessment shall not be paid and satisfied within the time limited for the payment thereof, it shall and may be lawful for the township committee to cause such lands, tenements, or real estate to be sold at public auction for the shortest time for which any person will agree to take the same, and pay such assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under their hands and seals, a declaration of such sale, and deliver the same to such purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his, her, and their own use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be completed and ended; *provided*, said township committee shall have first caused such sale to be advertised, by advertisements put up in at least five of the most public places in said village, for the space of sixty days previous thereto, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of assessment thereon; *provided also*, that the lands, tenements, or real estate so sold may be redeemed by the owner or owners, or mortgagee or mortgagees thereof, within two years from the date of the sale, on the payment of the amount of the purchase money, with interest, at the rate of twelve per cent. per annum, from the day of sale, and all expenses necessarily incurred thereupon; *provided also*, that in case the same shall be paid, as herein before provided, by any mortgagee, then the same shall be recoverable under the mortgage which said mortgagee or mortgagees may hold on such real estate, as if the same were secured by said mortgage.

Proviso.

Proviso.

Proviso.

5. *And be it enacted*, That this act shall be a public act, Public act. and go into effect immediately after the passage thereof.

6. *And be it enacted*, That nothing in this act shall be Provisions of act not to extend to certain sts. construed to authorize its application to any part of the streets named in this act north of the northerly line of Fifth street in Hoboken aforesaid, without the consent of the owners of the lots situated thereon respectively.

Approved March 19, 1852.

CHAPTER CXIV.

AN ACT to make taxes a lien on real estate in the county of Passaic, and to authorize the sale of the same for the payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly* Taxes to bear interest of the State of New Jersey, That all taxes hereafter assessed in the county of Passaic shall bear interest at the rate of six per centum per annum from and after the day when the same shall be payable, and shall be collected in like manner as prescribed by the act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

2. *And be it enacted*, That any assessment of taxes, here- Taxes to be a lien. after made in the said county against any person or persons on account of any lands, tenements, hereditaments, or real estate of such person or persons or body corporate, shall be and remain a lien on all the lands, tenements, hereditaments, or real estate on account of which said assessment shall be made as aforesaid, with the lawful interest thereon accruing, and all costs and fees in relation to said assessment and collection thereof, for the space of five years from the time when the taxes so as aforesaid assessed were payable.

3. *And be it enacted*, That in case any assessment of

Warrant to
issue for un-
paid taxes.

taxes, as specified in the last preceding section, together with the interest thereon, and costs and fees aforesaid, shall remain unpaid for the space of one year after the taxes were payable, then and in every such case it shall and may be lawful for the president and council of the city of Paterson, in case such taxes shall be assessed in said city, to issue a warrant, under their corporate seal, and for the township committee of any of the townships in said county where said taxes were assessed, or any three of them, to issue their warrant, under their respective hands and seals, directed to any constable of said county, therein and thereby commanding to make said taxes, with the interest and cost, and fees as aforesaid, of the lands, tenements, hereditaments, or real estate, on account whereof the same were assessed as aforesaid, by selling the same, or any part thereof, as will be sufficient for that purpose, for the shortest term for which any person or persons will agree to take the same, and pay such taxes, with the interest thereon, and all costs, fees, charges, and expenses; and further, directing the said constable to pay the money or moneys raised by such sale to the said township committee of said township, or to the president and council of said city, from which the said warrant originated, as the case may be, and to make return of said warrant, and his proceedings thereunder, to said township committee aforesaid of said township, or to the president and council of said city, as the case may be, to be filed by the clerk of said township among the other papers of said township.

Warrant to
be recorded

4. *And be it enacted*, That the warrant specified in the last preceding section shall, before the execution thereof, be recorded by the clerk of said city or township, in a book to be provided for that purpose, which said record thereof shall be received as evidence in the several courts of this state.

Sale to be
advertised.

5. *And be it enacted*, That it shall be the duty of the said constable, to whom such warrant shall be directed, as above specified, before he sells by virtue thereof, to give notice of the time and place of the sale of any lands, tenements, hereditaments, or real estate under this act, by advertisement signed by said constable, and inserted in a

newspaper printed and published in said county, for at least sixty days, once in each week before the time appointed for such sale, and also set up, for the same period, in five of the most public places in said township, one of which shall be at or near the lands, tenements, hereditaments, or real estate to be sold; *provided however*, such sale may be adjourned from time to time, not exceeding ninety days in the whole.

6. *And be it enacted*, That it shall and may be lawful for the said constable to whom such warrant shall be directed, at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands, tenements, hereditaments, or real estate as may be set forth in said warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term, and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges, and expenses, and thereupon to execute and deliver to any such person or persons a deed for the same, under his hand and seal; and such person or persons, and his, her, or their legal representatives, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, hereditaments, or real estate during the term for which he, she, or they shall have purchased the same, for his, her, or their own proper use and benefit, against the owner or owners thereof, and all and every person or persons claiming under her, him, or them, until said term shall be fully completed and ended; and shall be at liberty, at or before the expiration of said term, to remove any building or buildings, and materials erected and placed by him, her, or them thereon; and when said term shall have been ended, shall quietly and peaceably yield up the same to the lawful owner or owners thereof, in as good condition as when he, she, or they took possession of the same, damage resulting from ordinary use and the elements excepted.

Constable to
make sale of
lands, &c.,
for a term.

7. *And be it enacted*, That notwithstanding any mistake in the name or names, or omission to name the real owner or owners of any lands, tenements, hereditaments, or real

Assessments
not invalid-
ated on ac-
count of mis-
nomer.

estate in the various wards or townships in said county, in assessing the taxes on account thereof as aforesaid, such assessment shall be valid and effectual in law against said lands, tenements, hereditaments, or real estate, and the same may be proceeded against and sold in the manner prescribed herein.

Constable's
fees.

8. *And be it enacted*, That the constable to whom such warrant as aforesaid shall be directed, shall be entitled to receive the sum of one dollar for executing the same, and, in addition thereto, two cents on each dollar by him collected and paid over to the township committee, for advertising the sale of any lands, tenements, or hereditaments, or real estate, for each delinquent, the same fees which the sheriff of the county is entitled for the like services, and for a deed to the purchaser the sum of two dollars; and the township committee shall be entitled to receive for said warrant the sum of fifty cents, and the clerk of the township, for recording and filing said warrant, shall be entitled to receive the sum of twenty-five cents.

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

Approved March 19, 1852.

CHAPTER CXV.

AN ACT to incorporate the Perseverance Fire Company, No. 1 of Camden.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James C. Morgan, Josep D. Folwell, Samuel Hanna, William Hanna, Lewis F. Thompson, William E. Gilmore, Pancoast Roberts, Alfie Hugg, R. H. Lee, William Matlock, Alfred Wood, Frederic Benedict, William Hugg, Amos Stiles, jun., Samuel Coope, Nathan Davis, jun., Samuel Ashcraft, Andrew Zimmermar

David Sheppard, John W. Carter, Henry Keeler, John Warner, John Ross, Charles A. Garrett, Thomas Sulger, and all persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the Perseverance Fire Company, No. 1, of Camden, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "the Perseverance Fire Company, No. 1, of Camden;" and by such name they shall have succession, and be persons in law capable of ^{General powers.} suing and being sued, pleading and being impleded, 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 shall have power to make, change, and alter the same at their pleasure, and, by their corporate name as aforesaid, and under their common seal, make, enter into, and execute any contracts or agreements touching or concerning the objects of said incorporation; and shall have full power and authority to make, form, and adopt, such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of the said ^{Amount of capital stock.} company shall not exceed the sum of ten thousand dollars, which shall be applied to procuring, maintaining, and repairing such fire engine, hose carriage, hose, ladders, buckets, fire hooks, engine house, and such implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

3. *And be it enacted*, That the said company shall have ^{Election of president.} power to elect annually, or oftener if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name, may institute suits for the recovery of all fines, debts, and arrearages due the said company.

Limitation

4. *And be it enacted*, That this act shall continue in force twenty years; and it shall and may be lawful for the Senate and General Assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper.

Approved March 19, 1852.

CHAPTER CXVI.

AN ACT to incorporate the Weccacoe Fire Company, No. 2, of Camden.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Matthew Miller, jun. James M. Cassady, Joseph F. Murray, Joshua S. Porter David B. McCully, Richard G. Camp, James Doughten Wesley P. Murray, Stone H. Stow, Charles H. Thorne Isaac Shreeve, James W. Ayers, John Lanning, and all such persons as now are or hereafter shall become associates of the Weccacoe Fire Company of Camden, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "the Weccacoe Fire Company, No. 2, of Camden;" and by such name they shall have succession, and be persons in law capable of 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 shall have power to make, change, and alter the same at the pleasure; 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 objects of said incorporation; and shall have full power and authority to make, form, and adopt such form of constitution and such by-laws and regulations for their gover-

General
powers.

ment, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

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

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name, may institute suits for the recovery of all fines, debts, and arrearages due the said company. Election of president.

4. *And be it enacted*, That this act shall continue in force twenty years; and it shall and may be lawful for the Senate and General Assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper. Limitation.

Approved March 19, 1852.

CHAPTER CXVII.

A supplement to the act entitled, "An act for the settlement and relief of the poor," approved April tenth, A. D. eighteen hundred and forty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section Part of former act repealed.

of the act entitled, "An act for the settlement and relief of the poor," approved April tenth, A. D. eighteen hundred and forty-six, be repealed, and that the second section of this act, which is substituted in lieu thereof, and said act, to which this is a supplement, be construed and considered as if the same had been incorporated into said act, as the seventeenth section thereof.

Justices of
the peace to
examine per-
sons who
have not ob-
tained legal
settlement.

2. *And be it enacted*, That if any overseer or overseers of the poor of any city, town corporate, or township, within this state, shall have reason to believe that any person or persons within such township, city, or town corporate, who have not obtained a legal settlement therein, according to the directions, true intent, and meaning of this act, is chargeable, or likely to become chargeable thereto, such overseer or overseers may apply to any two justices of the peace of that county, and inform them thereof, who are hereby empowered to issue their warrant to a constable, thereby commanding him to bring such person or persons before them, at such time and place as they shall in their warrant appoint, and shall examine said person or persons, when brought before them, upon oath or affirmation relating to his, her, or their last place or places of legal settlement, and thereby, finding the information given to them to be true, they shall issue their warrant to a constable, commanding him to convey such person or persons to the place of his, her, or their legal settlement, and to deliver him, her, or them to the overseer of the poor thereof, for which services the constable shall be paid, by said overseer or overseers applying to said justice, so much money as said justices shall determine that he reasonably deserves; and the expenses of said examination and removal shall be paid by the overseer or overseers of the poor of the township in which application for relief is made; and if such justices shall find that such person or persons have no legal settlement within this state, they shall proceed to inquire, in manner aforesaid, if he, she, or they shall have resided for six months continuously, in any city, town corporate, or township within this state, and shall by warrant, to be issued and executed in manner above directed, remove such person or persons to such city, town corporate, or township

where they adjudge that such person or persons shall have last resided for six months continuously, to be delivered to the overseer of the poor thereof, there to be provided for according to law.

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

Approved March 19, 1852.

CHAPTER CXVIII.

AN ACT to authorize the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe a part of the capital stock of the Freehold and Jamesburg Agricultural Railroad Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized to subscribe for any number of shares, not exceeding one thousand, of the capital stock of the Freehold and Jamesburg Agricultural Railroad Company; *provided*, that in the distribution of the shares of stock of said company among the subscribers thereto, that individual subscribers and other railroad companies shall first be allowed the number of shares subscribed for by them respectively; *provided further*, that the state of New Jersey shall not be compelled to take said stock or works at the expiration of the charters of said joint companies.

Joint companies authorized to subscribe for stock.

Proviso.

Approved March 19, 1852.

CHAPTER CXIX.

A supplement to the act entitled, "An act respecting the court of chancery."

Court always open for return of writs.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the court of chancery shall be always open for the return of writs of subpœna to answer, and for making orders for the appearance of absent or concealed defendants, and that such orders may be, to appear and plead, answer, or demur, upon any day, either in term or vacation; and in default of such plea, answer, or demurrer, a decree pro confesso may be taken on any day.

Decree pro confesso.

2. *And be it enacted*, That in all cases where a decree pro confesso may be taken in vacation, it shall be lawful to make all orders of reference and other proceedings to perfect a final decree, and to make a final decree in vacation.

Chancellor to make rules regulating practice.

3. *And be it enacted*, That it shall be the duty of the chancellor, from time to time, to make such rules and orders to regulate pleadings and practice in the court of chancery, as may, in his judgment, render the practice and proceedings therein more efficient, expeditious, and simple, and prevent unnecessary cost and delay, and that, for that purpose, he shall have full power to change and regulate such pleadings and practice.

Pleas or demurrers to have affidavits annexed.

4. *And be it enacted*, That every plea or demurrer in chancery shall have annexed thereto the affidavit of the defendant or defendants filing the same, or his or their agent in the suit, that the same is not interposed for delay, but in good faith; and also the certificate of counsel, that he has perused the complainant's bill, and that such plea or demurrer is well founded in point of law; and every plea or demurrer filed without such affidavit and certificate may be treated as a nullity.

When execution to issue in suits for foreclosure.

5. *And be it enacted*, That in any suit for the foreclosure and sale of mortgaged premises, in which an appearance shall have been entered by any defendant, and no plea, answer, or demurrer shall have been filed, no execution shall

issue until the expiration of such time from the date of the final decree as may be fixed by the rules of the court, not less than two, nor more than four months; *provided*, that Proviso. nothing herein contained shall restrain the issuing of such execution for more than six months from the return of the process to answer in such suit.

6. *And be it enacted*, That where a decree of the court Decree for release or acquittal. of chancery shall be made for a conveyance, release, or acquittance of lands, or any interest therein, such decree shall of itself pass the title, estate, and interest of any party to such suit directed to be conveyed, released, or acquitted, as therein directed, and this notwithstanding any disability of such party, by infancy, lunacy, coverture, or otherwise.

7. *And be it enacted*, That the second section of the act Provisions of former act extended entitled, "A supplement to the act entitled, an act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six, which supplement was approved March first, eighteen hundred and forty-nine, be, and the same is hereby extended to suits in the court of chancery, except in cases of divorce.

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

Approved March 19, 1852.

CHAPTER CXX.

A supplement to the act entitled, "An act to incorporate the Belvidere and Water Gap Railroad Company," approved February twenty-first, eighteen hundred and fifty-one.

BE IT ENACTED *by the Senate and General Assembly* Time extended. of the State of New Jersey, That the time limited, in the act to which this is a supplement, for the commencement of said road, shall be extended to five years, and the time limited for the completion thereof, to five years thereafter.

Approved March 19, 1852.

CHAPTER CXXI.

AN ACT authorizing the construction of a bridge or dam from the fast land to Tonkin's island, in the Delaware river.

Preamble. WHEREAS it appears to the legislature that a bridge or dam may be constructed from the fast land to Tonkin's island, in the river Delaware, without injuring the navigation of said river; and Edward Tonkin, the owner of said island, and of a lot of land opposite thereto, in the township of Woolwich, in the county of Gloucester, having petitioned for authority to construct such bridge or dam—

E. Tonkin
authorized
to build dam
or bridge.

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 Edward Tonkin, his heirs or assigns, to construct and maintain, as his and their own property, a bridge or dam from said lot to said island, sufficient for the safe and easy passage of horses, cattle, and carriages to and from the same.

Approved March 19, 1852.

CHAPTER CXXII.

A supplement to an act entitled, "An act to incorporate the Farmers Mutual Fire Insurance Company of Salem county," passed March sixth, eighteen hundred and fifty-one.

Preamble. WHEREAS there is nothing in the act, to which this is a supplement, defining in express terms the powers of the company incorporated thereby, by reason whereof doubts may arise concerning the nature and extent of those powers—

What property may
be insured.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Farmers Mutual

Fire Insurance Company of Salem county shall have power to insure houses and other buildings, and all kinds of personal property against loss or damage by fire ; and that all such insurances heretofore effected, and all acts done by the said company, shall be deemed as valid and effectual as if the powers herein mentioned had been expressly conferred by the act to which this is a supplement.

Approved March 19, 1852.

CHAPTER CXXIII.

AN ACT to incorporate the Oldman's Creek Steam Navigation Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That Jonas C. Chew, Isaac Ballinger, jun., Nathan Y. Lippincott, Nathaniel Robins, David Linch, Jehu L. Allen, John Ashcraft, Thomas B. Hewes, and Mark A. Mayhew, and all such persons as are now members or partners of an association, called and known by the name of the Oldman's Creek Steam Navigation Company, and their successors, are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Oldman's Creek Steam Navigation Company."

2. *And be it enacted*, That all the joint stock of the said association, and all the estate, real, personal, and mixed, all the securities, claims, and demands, all the records, books, papers, and vouchers, in any wise belonging to the said association, shall be transferred to and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing Joint stock vested in corporation. Proviso. in this section contained shall impair or affect the rights of the creditors of the said association.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed twenty thousand dollars, which shall be divided into shares of twenty-five dollars each; the capital stock of the said association is to be taken as a part of the said sum of twenty thousand dollars; and the members of the said association are to receive so many shares of the said stock of the said corporation as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steamboats from Sculltown, in the county of Salem; to the city of Philadelphia and elsewhere, and is to be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, 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 book of the said corporation, agreeably to the by-laws for that purpose to be made and adopted.

First directors.

4. *And be it enacted*, That Jonas C. Chew, Isaac Ballinger, jun., Nathan Y. Lippincott, Nathaniel Robins, David Linch, Jehu L. Allen, John Ashcraft, Thomas B. Hewes, and Mark A. Mayhew shall be directors of the said corporation until the election is held, as is herein after provided; the board of directors for the time being shall have power to elect a president (who shall be director), a treasurer, and all such officers and agents, and to employ such workmen, artificers, and laborers as shall be necessary to carry into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts; and the directors of said corporation shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company as to them shall seem expedient, not inconsistent with the constitution or laws of this state or of the United States.

5. *And be it enacted*, That the residue of the capital stock of said company, or any part thereof not heretofore disposed of, may be disposed of and taken at any time hereafter, whenever the directors, by direction of three-fourths of the whole number, shall deem it necessary and proper, who are authorized to open books of subscription for said stock, at such time or times and place or places as they, or a majority of them, shall think proper, giving at least fifteen days' notice of the time and place of their meeting; and at the time of subscription, the sum of five dollars on each share shall be paid to the directors; and the remainder of such subscriptions shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting all previous payments on such shares for the use of said company; *provided always*, Directors to open books of subscription. *Proviso.* that no instalments shall exceed the sum of ten dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, Proviso. that at least fifteen days' notice of the time and place appointed for the payment of each instalment shall be published in one or more newspapers published in the county of Salem.

6. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by nine directors, a majority of whom shall constitute a quorum, and at least six shall be residents in this state, and shall be chosen annually by ballot by the stockholders, either in person or by proxy, no person to be eligible as a director who shall not be a stockholder in the said company; and in the choice of directors, and in all other cases, each share shall be entitled to one vote, not exceeding ten shares, and for every five shares above ten, one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first election for directors under this charter shall be held at Sculltown, on the first Monday of January next, ten days' notice being first given thereof in a newspaper published in the county of Salem, and by advertisements put up in five of the most public places nearest the majority of stockholders; and the stockholders, when Annual election of directors.

met, to choose three persons as judges of election; and all future elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

Duties of directors.

7. *And be it enacted*, That the president shall preside at all meetings of said corporation, and if absent, his place shall be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, merchandise, wagons, carriages, vehicles, horses, cattle, stock of every kind and description, and all kinds of produce or other articles that shall be transported in the boat or boats of the said company or corporation; and the said board of directors shall, from time to time, declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the sum over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, 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 time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until others shall have been chosen in their stead.

Limitation.

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the restrictions and liabilities, set forth in an act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved March 19, 1852.

CHAPTER CXXIV.

AN ACT to incorporate the Camden and Atlantic Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That John W. Mickle, Abraham Browning, Samuel Richards, Joseph Porter, Andrew K. Hay, John H. Coffin, John Stanger, Jesse Richards, Thomas H. Richards, Edmund Taylor, Joseph Thompson, Robert B. Risley, Enoch Doughty, Jonathan Pitney, 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 Camden and Atlantic 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.

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

3. *And be it enacted*, That the above named persons Commissioners to open books of subscription.
 may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, and, as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the

names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual 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 and citizen of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the said corporation shall provide.

Corporation
not dissolv-
ed for failure
to elect on
day prescrib-
ed.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Payments of
instalments.

5. *And be it enacted*, That five 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 instalments and at such times as they may direct, and in case of the non-payments 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 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.

Company au-
thorized 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 the city of Camden, in the county of Camden, or from some point within one mile of said city, to be determined on by the said company, to run through the counties of Camden and Atlantic, to the sea at or near Absecom inlet, in the said county of Atlantic; *provided always*, that it shall be Proviso. lawful for the said company to make or construct two branch railroads from some convenient point on the said main road, to be determined on by the said company, the one to run to the village of Batsto, in the county of Burlington, and the other to the village of May's Landing, in said county of Atlantic, not exceeding one hundred feet in width for either branch or main road, except in such places where, from the depth of the excavation or the height of 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 may be necessary for the purpose, and no more, shall be taken, with as many sets of tracts 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, levelling, or laying out the route or routes of such railroad, or lateral and branch roads, 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 such road, or lateral and branch 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, ferries, 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 or roads, subject to such compensation as is herein after provided; *provided al-* Proviso.

ways, 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.

Proceedings
in case own-
ers of land
and compa-
ny 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 reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners, herein after 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 lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in

question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damage, 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 of 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 company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses, to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck,

Parties aggrieved may appeal.

and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Company to
construct
and repair
bridges.

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

Rates for
carriage and
transporta-
tion.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable, expedient, or right;

Proviso.

provided, they shall not charge more than at the rate of six

cents per ton per mile for the transportation of property on the said road which is usually weighed by the ton, or four cents per mile for carrying each passenger on said railway.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper. Semi-annual dividends to be made.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and, further, shall be liable for all damages. Penalty for injuring works.

13. *And be it enacted*, That the said company may purchase, have, and hold real estate at the termini of their railroad, and at any intermediate depots upon the line of the same, not exceeding five acres at each place, and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property and the construction and repairing of cars, carriages, steam engines, and for other necessary uses. What real estate may be held.

14. *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 the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter, the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, until the net income of said

State tax.

Proviso.

Corporation
may borrow
money.

Proviso.

State may
take road on
payment of
appraise-
ment.

road shall amount to seven per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the 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 of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond 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.

16. *And be it enacted*, That any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or any three of the said six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man,

then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road, and of all the receipts and disbursements of the company.

17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the first day of August next ensuing, that then and in that case this act shall be void. Time for completion of road.

18. *And be it enacted*, That the legislature of this state shall have the right to subscribe for the stock of the said company to the amount of one hundred thousand dollars, at any time before or within twelve months after the said road or roads are completed. State may subscribe for stock.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst 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, in their cars, free of charge. Certain officers to pass free.

Approved March 19, 1852.

CHAPTER CXXV.

AN ACT to incorporate the Gloucester County Mutual Fire Insurance Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That George M. Paul, Joseph W. Reeves, Hiram Morgan, John Eyles, Woodward Warrick, Joseph Franklin, Charles Sterling, John M. Saunders, John C. Smallwood, William R. Tatem, Edwin Stokes, A. S. Barber, Bowman Sailer, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in law, by the name of "the Gloucester County Mutual Fire Insurance Company," to be located at Woodbury, in this state; and shall have power to insure dwelling houses and other buildings, and all kinds of personal property, against loss or damage by fire; and, in addition to the real estate which the said corporation is allowed to hold, they may hold all such real estate 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 judgment or decrees which shall have been obtained for such debts.

General
powers.

Election of
directors.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with said association, shall, while they so continue, be deemed and taken to be members of the said corporation; and that the property and concerns of said corporation shall be conducted and managed by nine directors, to be chosen by ballot by and from among the members, who shall hold their offices for one year and until others are chosen; and that the election for directors shall be held on the fourth Tuesday in May, in every year, at the office of the company or such other place as a majority of the directors shall previously designate, public notice of which shall be given by the secretary, in the newspaper printed and published at Woodbury, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve,

or neglect to act in their said office for the space of two months, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the next annual election ; *provided*, that the persons named Proviso. in the first section of this act shall be directors, until others are chosen in their stead.

3. *And be it enacted*, That it shall and may be lawful Notes or obligations may be taken. for the officers of said corporation to take notes or obligations from the members for the amount, either in part or the whole, of the premium of insurance, in proportion to the amount insured, and to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

4. *And be it enacted*, That at the first meeting of the President to be chosen. directors held after the organization of this company, and at every annual meeting of the directors in each year thereafter, they 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.

5. *And be it enacted*, That all policies of insurance Assessments for losses sustained. which shall be made by said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such persons, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation ; for losses sustained to a greater amount than they have funds on hand to discharge, the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their lawful representatives, according to the amount of each member's insurance ; *provided*, that such Proviso. assessment shall not exceed the amount of the note or obligation given by each member, and one per centum on the principal sum mentioned in each policy, which rates or assessments shall be approved by a majority of the directors ; and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, 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 and claim to any policy that he may have obtained, and be no longer a member of the association, and shall also 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.

Special
meetings.

6. *And be it enacted*, That three or more directors shall have power to call a meeting of the directors, by giving notice in the newspaper printed and published at Woodbury, at least ten days before said meeting.

Approved March 23, 1852.

CHAPTER CXXVI.

AN ACT to correct an act entitled, "An act concerning streets in the new manufacturing town of Elizabethport," approved March twelfth, eighteen hundred and forty-six.

Classifica-
tion of com-
missioners.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the commissioners named in the first section of the act, to which this act refers, shall so arrange themselves, in pursuance of said act, that two members shall hold office for one year from the fourth Tuesday of March, eighteen hundred and fifty-two, two members for two years, and two members for three years, from that date.

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

Approved March 23, 1852.

CHAPTER CXXVII.

AN ACT to incorporate the Shiffler Hose Company, No. 1, of Camden.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators: *of the State of New Jersey*, That William Burt, James Sherman, Armstrong Sapp, William Wallace, George Thompson, John Hutchinson, Robert Maguire, jun., Samuel Brown, William Harris, and all persons, not exceeding seventy-five in number, as now are or hereafter shall become associates of the Shiffler Hose Company, No. 1, of Camden, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the Shiffler Hose Company, No. 1, of Camden.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of eight thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such hose, reservoirs of water, ladders, buckets, fire hooks, hose houses, and other implements and machines, and to such other incidental expenses as shall to said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire. Amount of capital stock.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs according to their constitution and by-laws, and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office, shall deliver it over to his successor; and, in their corporate name, may institute suits for the recovery of all fines, debts, and arrearages due the said company. Officers of company.

4. *And be it enacted*, That this act shall continue in force Limitation. twenty years; and it shall and may be lawful for the Senate and General Assembly of this state, at any time hereafter, to amend or modify, or repeal this act, as they shall think proper.

Approved March 23, 1852.

CHAPTER CXXVIII.

AN ACT to amend an act entitled, "An act to incorporate the Newark Orphan Asylum Association."

Overseer of
the poor au-
thorized to
bind out
children.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any overseer of the poor, upon application made to him by the said corporation, to bind any poor orphan child, who hath no mother, or whose mother shall apply to him for relief, and who shall bring up such a child in sloth, idleness, and ignorance; and, upon advice and direction given by the overseer, shall, for one month after such advice and direction, refuse or neglect to bind out such poor child for such number of years as the said overseer, in his discretion, shall think proper, a male person until he shall arrive at twenty-one years of age, and for a female until she arrive at eighteen years of age, and no longer; which said overseer, with the assistance of any justice of the peace, are hereby empowered and directed to inquire into the manner in which the terms of the indenture and covenants agreed upon respecting said child shall be fulfilled, and to redress any such grievance in such method as the law hath prescribed.

Corporation
may bind out
children.

2. *And be it enacted*, That it shall and may be lawful for the said corporation, as guardian of the children under its care, to bind out such of the children who shall have been under their care for more than one year, as they may deem advisable; *provided*, that when the parent of any such child shall pay any thing to the said corporation for its support, the consent of such parent to the exercise, by the said corporation, of such control over the said child shall be required.

Proviso.

May receive
orphan chil-
dren.

3. *And be it enacted*, That the said corporation may receive and retain all or any such orphan child or children, having no mother, as may be placed under their charge, subject to such rules, by-laws, and regulations as may from time to time be passed by the trustees of said corporation.

4. *And be it enacted*, That the act, to which this is a

supplement, shall be so amended that the term of the annual meeting of the said association shall take place on the last Wednesday in October, instead of the term designated in such act. Former act amended.

Approved March 23, 1852.

CHAPTER CXXIX.

AN ACT to prevent the importation of paupers and vagrants into the counties of Burlington, Passaic, Camden, Gloucester, and Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall bring or import into any one of the counties of Burlington, Passaic, Camden, Gloucester, or Mercer, any person or persons not having gained a legal settlement in said county, and who is or are likely to become chargeable to the said county, such bringer or importer, on complaint of a chosen freeholder or overseer of the poor of any one of the townships of said county, to any two justices of the peace thereof, shall, by warrant, under their hands and seals, directed to any constable of the said county, be brought before them forthwith; and if, on due proof, it shall appear to the satisfaction of the said justices that the said complaint is true, the said justices shall order and direct such importer or bringer to remove the person or persons so brought in or imported from the said county, or to give bond, with approved security, to the board of chosen freeholders of the said county, in a sum not exceeding two hundred dollars, to indemnify the said county against the charges and expenses which the said county may incur by the maintenance or removal of the person or persons brought in or imported as aforesaid. Proceedings in case of importation of paupers.

2. *And be it enacted*, That on failure to comply with

Penalty for
failing to
comply with
order.

the said order or direction of the said justices, or to give bond as aforesaid, the said bringer or importer shall forfeit and pay, for each person brought or imported as aforesaid, the sum of one hundred dollars, to be sued for and recovered, for the use of the said county, in an action of debt, with costs of suit, by the board of chosen freeholders aforesaid, before any justice of the peace of the said county.

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

Approved March 23, 1852.

CHAPTER CXXX.

AN ACT to incorporate the Millville and Malaga Road Company.

Company in-
corporated.

Commission-
ers to open
books of sub-
scription.

Amount of
capital stock.

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 herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Millville and Malaga Road Company;" and that the following named persons, Stephen A. Garrison, Ferdinand F. Sharp, Edward Tatem, Joshua Richman, John G. Rosenbaum, William Stratton, Nathaniel Stratton, James Loper, Jacob Johnson, Elijah B. Richman, William G. Leake, Furman L. Mulford, and Lewis Mulford, or a majority of them, are hereby appointed commissioners to open the 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 one of the Cumberland county newspapers.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, and shall be

divided into shares of twenty-five dollars each; that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in the manner aforesaid; 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 instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

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 three hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore directed with regard to the opening of said books, at which meeting the subscription book shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, 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 said board; 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, in person or by proxy; and that

Annual election of directors.

if three hundred shares of said stock shall not be subscribed for within two years, and the said road completed within five years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Election of
president.

4. *And be it enacted*, That, as 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 be a citizen of this state, and who shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 the 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 such meeting is called.

Annual state-
ment 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 account of the affairs of the company during their said term.

Description
of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike or plank road on or near the present mail route from the termination of the Glassborough and Malaga turnpike, at the line between the counties of Gloucester and Cumberland, near the village of Malaga, to the village of Millville, in the county of Cumberland, not more than four rods wide, thirty feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least

twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, 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 construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty-two 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 sides, so as to prevent horses and carriages from 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 and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as Proviso. the said company shall construct the said turnpike or plank road aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of the said turnpike or plank road; and in case the said company and said 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 herein after provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone, gravel, or other materials from his or her lands for the construction or maintaining of said turnpike or plank road.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said

Proceedings
in case com-
pany and
owners can-
not agree.

Proviso.

road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Cumberland, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Cumberland, to be by him filed as a public record, and certified 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 circuit court of the county in which said lands lie, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which

Parties aggrieved may appeal.

appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury 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 sum so awarded, or execution issued therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners; all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, above provided for.

8. *And be it enacted*, That as soon as the said company Rates of toll. shall have constructed the said turnpike or plank road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:
For every carriage, sleigh, or sled, drawn by one beast,
one cent.

And if drawn by two,	two cents per mile.
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 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 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 to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Mile stones
or posts to
be erected.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike or plank road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Millville or Malaga; 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.

10. *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, for the information of the people travelling 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 ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall demand and receive more toll than 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 illegal tolls.

12. *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 the said highway, in the passing directions, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered, with costs of suit. Penalty for obstructing passage.

13. *And be it enacted*, That if the said company shall not keep the said turnpike or plank road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the 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 of Millville, which three persons, being dis- Proceedings in case road or bridges are not kept in repair.

interested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road or bridge so complained of, and report to 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 open the same 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 travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the said 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 from said company, again to view the said road or bridge, 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 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 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 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 persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

14. *And be it enacted*, That when the board of chosen

freeholders of the county of Cumberland shall desire so to do, they may, by paying to the stockholders the original cost of constructing and improving said road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the land on which the said road passes, or from whence the materials for its construction may be taken. Road may be made free.

15. *And be it enacted*, That before the company, here-by incorporated, shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Cumberland, a full and perfect statement of the costs of the construction of said road. Statement of cost to be filed.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said road is authorized to be located and made are vacated as public highways according to law. When act to take effect.

17. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Liabilities and restrictions.

18. *And be it enacted*, That it shall and may be lawful for said Millville and Malaga Road Company to construct a branch turnpike or plank road from some point in the public highway not more than two miles north of the village of Millville, by way of the Millville iron works, to said village of Millville, or to construct their main road by way of said iron works, either or both, as the board of directors may determine. Branch road authorized.

Approved March 24, 1852.

CHAPTER CXXXI.

AN ACT to confirm the title of Horatio T. Wells to certain lands in Camden.

Preamble.

WHEREAS Joseph C. Burrough and wife, by deed bearing date the twenty-ninth day of November, Anno Domini eighteen hundred and forty-five, and of record in the clerk's office of Camden county, in Liber B of deeds, folio six hundred and ten, &c., did convey to Jesse Cole, in fee, a certain lot of land in the city of Camden, in trust for the sole and separate use of Keziah B. Cole, with power in her to revoke all the trusts in said deed mentioned, and appoint new trusts, as by reference to said deed will more fully appear; and whereas the said trustee hath died intestate leaving several children, to one of whom, William H. H. Cole, his eldest son and heir at common law, but still a minor, said trust hath descended; and whereas the said Keziah B. Cole, by virtue of the said power of revocation and appointment, and for a valuable consideration to her paid by Horatio T. Wells, hath revoked said several trusts, and declared and appointed that the said William H. H. Cole, his heirs and assigns, shall hold said lot of land, for the only proper use and behoof of the said Horatio T. Wells, his heirs and assigns, and hath directed the said William H. H. Cole to execute a deed for said lot to said Horatio T. Wells, so as to complete his title; but doubts being entertained by the purchaser concerning the ability of said William H. H. Cole to make such deed—therefore,

W. H. H.
Cole authorized to
make deed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said William H. H. Cole be, and he hereby is authorized and directed to make, execute, and deliver to said Horatio T. Wells a deed of conveyance for said lot of land, pursuant to the aforesaid direction and appointment of the said Keziah B. Cole, which deed shall be as good and effectual as if the said William H. H. Cole were of full age, and the only issue of said Jesse Cole, at the time of his decease; but shall not in

any manner operate so as to invalidate or prejudice any mortgage heretofore executed by the said Jesse Cole and Keziah B. Cole upon the said land and premises.

Approved March 24, 1852.

CHAPTER CXXXII.

A supplement to the act entitled, "An act to incorporate the Proprietors of the Trenton Water Works," passed the twenty-ninth day of February, A. D. one thousand eight hundred and three.

WHEREAS the president and directors of the Trenton water works have represented, that the increase of population in the city of Trenton has been so great, that the springs from which said company have heretofore supplied said city with water, are no longer adequate to furnish the necessary quantity—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the President and Directors of the Trenton Water Works, are hereby authorized and empowered to take the water which they may require, either in part or in whole, from the Delaware river, and, to that end, they are hereby invested with all the powers necessary to enable them to purchase and hold such real estate, and to construct, keep up, and maintain such reservoirs, aqueducts, and apparatus for elevating water, and such erections in the Delaware river, not obstructing the navigation thereof, and such other works, establishments, and fixtures, as may, in their opinion, be required to effectuate the objects of this act, and to lay all pipes under the streets or through private property, that may be needed to conduct said water from the river to their reservoirs, and from the reservoirs to such parts of the city and its vicinity as they may deem expedient.

Company authorized to use the waters of the river Delaware.

Proceedings
in case com-
pany and
owners of
land cannot
agree.

2. *And be it enacted*, That if it shall become necessary, in the opinion of said president and directors, to lay pipes through any private lands in said city, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof, as to the amount of compensation to be paid for laying said pipes through said lands, or the price to be paid for said lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as said president and directors may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court, upon application in writing of said president and directors, with a map of the lands through which it is deemed necessary to lay said pipes, or a map and description of the lands so needed for said reservoirs or other works, and after ten days' previous notice in writing of such application to the owner or owners of said lands, to appoint three disinterested appraisers to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands, as the case may be; and it shall be the duty of said appraisers, after having taken, before said justice, an oath or affirmation faithfully and impartially to discharge the duties of their appointment, and after having carefully viewed the premises, within twenty days after their appointment, to deliver to said president and directors a written appraisement, under the hands and seals of them, or a majority of them, of the award they may have made; which map, description, and award the said president and directors shall cause to be recorded in the registry of deeds for the county of Mercer, and upon payment or tender, by or on behalf of the said president and directors, to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said president and directors shall have the right to lay said pipes through the lands aforesaid, or shall be deemed seized in fee simple of the lands so required for the erection of said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be feme covert, under

age, non compos mentis, or out of the state, then and in that case it shall be sufficient for said president and directors to pay the amount of said appraisement into the court of chancery, subject to the order of said court, for the use of the party or parties entitled to the same, the costs of all which proceedings shall be taxed by the said justice of the supreme court, and paid by said president and directors.

3. *And be it enacted*, That in case the said president and directors, or the owner or owners of the said land, shall be dissatisfied with the award of the appraisers provided for in the preceding section, and shall apply to the supreme court, at the next term after filing said award, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the county of Mercer, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or damages sustained; and if they shall find the same or a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the said president and directors may have offered or the said appraisers awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking or laying pipes through said lands upon the award of the appraisers, the value or damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Parties aggrieved may appeal.

4. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes

Company may enter on lands for purposes of repairs, &c.

which may have been laid through any private lands, either by virtue of the preceding section or by agreement with the owner or owners thereof, it shall be lawful for said president and directors, with their workmen and agents, and with necessary vehicles, tools, and implements, to enter upon said lands, and make the necessary repairs and alterations, doing no unnecessary damage; but nothing herein shall be so construed as to protect the said president and directors, or their workmen or agents, from any action that may be brought against them, individually, by the owner or owners, occupant or occupants, of said lands, for any damage which they may have wilfully or unnecessarily done.

Water rents
to draw in-
terest.

5. *And be it enacted*, That the rents for the use of the water which said company may supply, shall draw interest from the time they become due.

Penalty for
adulterating
water.

6. *And be it enacted*, That if any person shall wilfully pollute or adulterate the water in any reservoir belonging to said company, he or she, so offending, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding three years, or both, at the discretion of the court before whom such conviction may be had.

Rights, pow-
ers, and pri-
vileges.

7. *And be it enacted*, That the said the President and Directors of the Trenton Water Works shall continue to have and possess all the rights, powers, franchises, and privileges which they now have and possess by virtue of the act to which this is a supplement, or the agreement referred to in said act, or the act entitled, "An act to authorize Stephen Scales to convey the water from his spring, through the several streets of the city of Trenton," passed the third day of December, A. D. one thousand eight hundred and one; and that said rights, powers, franchises, and privileges shall be deemed to be enlarged, so as to embrace the rights, powers, franchises, and privileges given to said corporation by this act, to all intents and purposes as if the same had been conferred on said company at the time it was first established.

8. *And be it enacted*, That the capital stock of said com-

pany shall be deemed to be twenty thousand dollars, divided into shares of fifty dollars each, as fixed by the stockholders thereof, at a meeting held on the tenth day of June, A. D. one thousand eight hundred and thirty-nine; and that the stockholders of said company may, from time to time, increase said capital stock to any sum not exceeding one hundred thousand dollars, in order to carry into effect the objects of this act.

Approved March 24, 1852.

CHAPTER CXXXIII.

A supplement to an act entitled, "An act to incorporate the Salem County Mutual Fire Insurance Company," passed February twenty-eighth, eighteen hundred and forty-nine.

WHEREAS there is nothing in the act, to which this is a supplement, defining in express terms the powers of the company incorporated thereby, by reason whereof doubts may arise concerning the nature and extent of those powers—

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Salem County Mutual Fire Insurance Company shall have power to insure houses and other buildings, and all kinds of personal property, against loss or damage by fire; and that all such insurances heretofore effected, and all acts done by the said company, shall be deemed as valid and effectual as if the powers herein mentioned had been expressly conferred by the act to which this is a supplement.

Approved March 24, 1852.

CHAPTER CXXXIV.

A supplement to the act entitled, "An act to incorporate the Jersey City Gas Light Company."

Company
authorized
to lay down
pipes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey City Gas Light Company shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues, and public grounds of Hoboken and vicinity, and to do all things necessary to light the same, and the dwellings, stores, and other places therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes, and avenues, shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Increase of
capital stock.

2. *And be it enacted*, That the directors of said company shall have power to increase the capital stock thereof to the amount of one hundred and fifty thousand dollars.

Number of
directors in-
creased.

3. *And be it enacted*, That the number of directors of the said company shall be increased to nine, five of whom shall form a quorum; and that the first election for directors shall be on the last Monday in March, eighteen hundred and fifty-two.

Approved March 24, 1852.

CHAPTER CXXXV.

AN ACT to incorporate the Port Elizabeth and Millville Turnpike Company.

Company
incorporated

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 herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of the Port Elizabeth and Millville Turnpike Company; and that the following named persons, John Loper, George B. Cooper, Benjamin F. Lee, Lewis Mulford, Charles Townsend, Nathaniel Stratton, Jacob P. Bickley, James Ward, and William G. Leake, or a majority of them, are hereby appointed commissioners to open the 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 one of the Cumberland county newspapers.

Commissioners to receive subscriptions.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to any sum not exceeding thirty thousand dollars, and shall be divided into shares of fifty dollars each; that at the time of subscribing to said stock, the sum of 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; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct, and give public notice thereof, in the manner aforesaid; 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 instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

Amount of capital stock.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and when two hundred shares of said stock shall have been

Annual election of directors.

subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore directed with regard to the opening of said books, at which meeting the subscription book shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, nine directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by said board; 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, in person or by proxy; and that if two hundred shares of said stock shall not be subscribed for within two years, and the said road completed within five years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Election and
duties of
president.

4. *And be it enacted*, That as 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 be a citizen of this state, and who shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board; and in case of his absence, the said board shall appoint some 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 the 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 such meeting is called.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete account of the affairs of the company during their said term. Annual statement to be made.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike or plank road on or near the present mail route from Port Elizabeth, commencing at or near what is known as the old Marshall store house, in Cumberland county, to such point of Millville, in said county, as may be deemed advisable, not more than four rods wide, thirty feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, 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 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, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overturn, 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; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, sand, or clay for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as the said company shall construct the said turnpike or plank road aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages Description of road. Proviso.

which the said owners will sustain by reason of the construction of the said turnpike or plank road; and in case the said company and said 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 herein after provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone, gravel, or other materials from his or her lands for the construction or maintaining of said turnpike or plank road.

Proceedings
in case own-
ers of land
and compa-
ny cannot
agree.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom, suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Cumberland, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such

Proviso.

materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and after ten days' notice in writing to both parties, of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county of Cumberland, to be by him filed as a public record, and certified 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 circuit court of the county in which said lands lie, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for the jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, than the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case

Parties aggrieved may appeal.

any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the circuit court of Cumberland county, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

Rates of toll. 8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike or plank road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast,

one cent.

And if drawn by two,

two cents per mile.

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 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,

Proviso.

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 to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other

military officer or soldier, passing or repassing when called to do duty by the laws of this state or of the United States.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike or plank road, they shall cause mile stones or posts to be erected or maintained, one for each and every mile on the same; and on each stone or post shall be legibly marked the distance the said stone or post is from Port Elizabeth or 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 printed in large letters, "Keep to the right, as the law directs."

10. *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, for the information of the people travelling 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 ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall demand and receive more toll than 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.

12. *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 highway in the passing directions, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passing said road, 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
in case road
and bridges
are not kept
in repair.

13. *And be it enacted*, That if the said company shall not keep the said turnpike or plank road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Cumberland, who may be disinterested, the said judge 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 the 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 judge may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said 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, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall

prosecute for the same, in an action of debt, with costs of suit; and the said judge shall be allowed for his services 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 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 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 persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above described, one or more respectable persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

14. *And be it enacted*, That when the board of chosen freeholders of the county of Cumberland shall desire so to do, they may, by paying to the stockholders the original cost of constructing and improving said turnpike or plank road and bridges as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the land on which the said road passes, or from whence the materials for its construction may be taken. Road may
be made free

15. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Cumberland, a full and perfect statement of the cost of the construction of said road. Statement
of cost to
be filed.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said road is au- When act to
take effect.

thorized to be located and made are vacated as public highways according to law.

Limitations
and restric-
tions.

17. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 24, 1852.

CHAPTER CXXXVI.

AN ACT to incorporate the Vincentown and Mount Holly Turnpike Company.

Company in-
corporated.

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 herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Vincentown and Mount Holly Turnpike Company;" and the following named persons, John S. Irick, John Black, jun., William T. Jones, Samuel Butterworth, William Brown, George Haywood, John R. Slack, Richard S. Humphreys, Robert P. Haines, Joseph F. Burr, and Aaron Harker, or a majority of them, are hereby appointed commissioners to open the 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 one of the Burlington county newspapers.

Commission-
ers to open
books of sub-
scription.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twelve thousand dollars, with the privilege of increasing it to any sum not exceeding twenty thousand dol-

lars, and shall be divided into shares of twenty-five dollars each; that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in the manner aforesaid; 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 instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

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 three hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore directed with regard to the opening of said books, at which meeting the subscription book shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, 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 said board; 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, in person or by proxy; and that

Annual election of directors.

if three hundred shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to their respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Election of
'president.

4. *And be it enacted*, That, as 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 be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 the 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 such meeting is called.

Annual state-
ment 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.

Description
of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike or plank road from some point in Vincentown, thence along the main road past Newbold's Corner to Iron-Work Bridge, on the edge of Mount Holly, to be not more than four rods wide, thirty-two feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, 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 four 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-two 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 upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands to search for stone, gravel, sand, or clay, for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as Proviso. the said company shall construct the said turnpike or plank 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 will sustain by reason of the construction of the said turnpike or plank road; and in case the said company and said 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 herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike or plank road.

7. *And be it enacted*, That it shall and may be lawful Proceedings in case company and owners cannot agree. for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to said road, doing no unnecessary damages thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom suitable for constructing and maintaining said road as aforesaid; *provided always*, that the

said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Burlington, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Burlington, to be by him filed as a public record, and certified 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 circuit court of the county aforesaid, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who

Parties aggrieved may appeal.

shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury 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 sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of said owner or owners; all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company shall have constructed said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and will be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast,	one cent.
And if by two,	two cents per mile.
For every additional beast,	five mills.
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 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 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 to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones
or posts to
be erected.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike or plank road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Vincentown or Mount Holly; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for
injuring
works.

10. *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, for the information of the people travelling the same, 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 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 ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall demand and receive more toll than 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 illegal tolls.

12. *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 the said highway, in the passing directions, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit. Penalty for obstructing passage.

13. *And be it enacted*, That if the said company shall not keep the said turnpike or plank road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Burlington, in which said road lies, 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 the said road, or a majority of them, on notice Proceedings case of roain or bridges are not kept in repair.

being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so complained of, and report to 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 open the same 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 travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the said 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 from said company, again to view the said road or bridge, 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 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 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 persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

Road may be
made free.

14. *And be it enacted*, That when the board of chosen freeholders of the county of Burlington shall desire so to

do, they may, by paying to the stockholders the original cost of constructing said turnpike road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the land on which the said turnpike road passes, or from whence the materials for its construction may be taken.

15. *And be it enacted*, That before the company, here-
by incorporated, shall be entitled to collect the tolls autho-
rized to be collected by the eighth section of this act, the
president thereof shall file, under oath or affirmation, in the
office of the clerk of the county of Burlington, a full and
perfect statement of the costs of the construction of said
road. Statement
of cost to be
filed.

16. *And be it enacted*, That this act shall not take effect
until the public highways upon which the said turnpike
road is authorized to be located and made are vacated as
public highways according to law. When act to
take effect.

17. *And be it enacted*, That the said corporation shall
possess the several powers, and be subject to the restric-
tions 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. Liabilities
and restric-
tions.

18. *And be it enacted*, That when said turnpike road
shall have been completed, agreeably to the provisions of
this act, it shall and may be lawful for the aforesaid Vin-
centown and Mount Holly Turnpike Company (a majority
of the stockholders so determining) to construct a branch
road from Newbold's Corner to some point in Lumberton,
subject to all regulations and liabilities specified in this act. Branch road
authorized.

Approved March 24, 1852.

CHAPTER CXXXVII.

Supplement to the act entitled, "An act for facilitating the communication from Morristown, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex."

Rates of toll. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the directors of the Union Turnpike Company be, and they are hereby authorized and empowered to raise the sum of fifty thousand dollars, for the purpose of repairing and reconstructing their road between Dover and Sparta, by planking or otherwise; and as soon as the said company shall lay down and construct a good and substantial road on their present turnpike road, then it shall and may be lawful for the said company to erect gates and turnpikes across the said road, and demand and receive toll for each mile of the said road, not exceeding the following rates:

For every carriage, wagon, sleigh, sled, or other vehicle drawn by one beast, two cents.

For every additional beast, two 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, five cents.

And the same in proportion for a greater or less number.

Subscription to stock. 2. *And be it enacted*, That the sum hereby authorized to be raised shall be divided into shares of ten dollars each, and shall be subscribed for at such times and places, and upon such terms, as the directors of said company may deem expedient and proper.

Penalty for injuring works. 3. *And be it enacted*, That if any person shall cut, break down, destroy, or otherwise injure the gates, turnpikes, bridges, or other property of said company, such person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment at hard labor, not exceeding three years, or by fine, not exceeding five hundred dollars.

4. *And be it enacted*, That it shall and may be lawful

for the said company to surrender and give up the whole of their road for public use, by filing a certificate of such surrender in the clerk's office of the county in which such surrendered part of said road may lie; and thereupon the said road shall become and remain a public road or highway, and used, maintained, and repaired as other roads or highways of this state. Road may be made free.

Approved March 24, 1852.

CHAPTER CXXXVIII.

A supplement to the act entitled, "An act to incorporate the Trenton Mutual Life and Fire Insurance Company."

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 for the Trenton Mutual Life and Fire Insurance Company to divide all fire risks which they may thereafter take into three separate and distinct classes, to be designated as farmers' and householders' class, merchants' and mechanics' class, and manufacturers' and millers' class; and that the premiums received from dealers in each class shall constitute a separate fund, out of which all losses arising in, and chargeable upon said class, shall be paid, without resort, in any event, to the premium fund accumulated in either of the other two classes; and that the policies issued in every case clearly set forth the provisions of this act. Classification of fire risks.

Approved March 24, 1852.

CHAPTER CXXXIX.

A supplement to the act entitled, "An act to incorporate the Camden, Ellisburgh, and Marlton Turnpike Company," approved February twenty-eighth, one thousand eight hundred and forty nine.

Extension of
road author-
ized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of directors of the Camden, Ellisburgh, and Marlton Turnpike Company to receive, at such times and places as they may think proper, additional subscriptions to the capital stock of said company, for the purpose of extending their turnpike road, as herein after stated, and that when, for that purpose, eight hundred additional shares shall be subscribed for, it shall be lawful for the said company to extend their said road from the village of Marlton to the village of Medford, in the county of Burlington; which extension shall be constructed and made on and along the main public highway between said villages, in the mode prescribed for constructing their said road in the act incorporating said company; and, for that purpose, they are hereby invested with all the powers and privileges, and subjected to all the restrictions, limitations, provisos, and conditions in said act contained and set forth, the same, in all respects, as if it had originally authorized the construction of said road to said village of Medford.

Gates may
be erected,
and toll de-
manded.

2. *And be it enacted*, That the said additional subscriptions shall be paid at such times and places as the said board of directors shall direct; and all the moneys paid thereon, shall be applied by them to the extension of said road as aforesaid; and that when the same shall be completed, it shall be lawful for the said company to erect gates or turnpikes across the same, and demand and receive tolls for travelling thereon, not exceeding the rates prescribed in their said act of incorporation; and all the powers, privileges, limitations, restrictions, exceptions, penalties, provisos, and conditions, of and concerning the tolls mentioned in said act of incorporation, shall be applicable to said extension hereby authorized; and after the same

shall be completed, the said additional stock and the stock subscribed and created for constructing the present road of said company shall be united; and all dividends of the subsequent profits of said company shall be struck and paid upon the said united stock.

3. *And be it enacted*, That, at the next annual meeting of the stockholders of said company, after the said extension shall be completed, they shall elect eleven directors; and thereafter, the board of directors of said company shall consist of eleven, instead of nine, as prescribed in their said act of incorporation. Number of directors increased.

4. *And be it enacted*, That before this act shall take effect, it shall be accepted by a majority, in value, of the stockholders, who shall attend a meeting thereof, to be held at the village of Ellisburgh, upon at least twenty days' notice of such meeting, published in two of the newspapers printed in this state; and at such meeting, each stockholder shall be entitled to one vote for every share of stock that he may hold, to be given in person or by proxy; and a certificate of such acceptance, signed by the president of said company, shall be filed in the office of the secretary of this state, within one month after the same shall be accepted. When act to take effect.

Approved March 24, 1852.

CHAPTER CXL.

AN ACT relative to freight and transit duties on railroads in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to charge on light and bulky goods, of which three tons by measurement shall not exceed one ton by weight, transported on any railroad in this state, and on the routes con- Transit duties on light and bulky goods.

tinuous therewith to the termination thereof, for such transportation by measurement, such charge by measurement ton per mile not to exceed one-third the charge limited by law for the transportation of other goods by weight; and the transit duty to the state shall be paid upon the measurement ton.

On gold and
silver

2. *And be it enacted*, That it shall be lawful to charge on gold, either in coin or bullion, transported on such railroads and routes, at the rate of four cents for every ten miles for every one thousand dollars, and one cent per mile for every one thousand dollars of silver in coin or bullion; and a transit duty shall be paid to the state, at the rate of two cents for every ten miles, on every twenty thousand dollars of gold, and at the rate of two cents for every ten miles for every eight thousand dollars of silver, and in the same proportion for any less sum.

On small
packages.

3. *And be it enacted*, That it shall be lawful to charge for carrying, on such railroads and routes, twelve and a half cents for every small package, whatever may be its weight or the distance it is carried; and a transit duty shall be paid to the state of twenty cents for each and every twenty dollars received for such transportation.

Duties to be
paid quar-
terly.

4. *And be it enacted*, That every railroad company which shall avail itself of the provisions of this act, shall pay the transit duties, herein required to be paid, quarterly to the treasurer of this state.

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

Approved March 24, 1852.

CHAPTER CXLI.

AN ACT to incorporate the Erina Benevolent Association of the city of Newark.

WHEREAS certain persons in the city of Newark, in this Preamble. state, having associated themselves together for benevolent and charitable purposes, and with the object of mutually aiding and benefiting themselves and their families, and using the name of "the Erina Benevolent Association of the city of Newark," have applied to become incorporated, to the end that they may the more fully and easily carry out the ends of said society—therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Style of incorporation. *of the State of New Jersey*, That all such persons as now are, or hereafter may become members of the Erina Benevolent Association of the City of Newark shall be, and they hereby are constituted and declared a body politic and corporate in law, by the name and style of the Erina Benevolent Association of the city of Newark.

2. *And be it enacted*, That the said corporation shall and Officers of association. may have a president, vice president, secretary, treasurer, and eight managers, who, together, shall constitute a board of directors, and who shall be chosen by a majority of the members of said corporation present at the election of said directors, at such times and in such manner as the by-laws, rules, and regulations of said corporation shall direct, and which said directors shall hold office for one year from their election, or until others are elected in their stead.

3. *And be it enacted*, That the said corporation shall Corporation may hold real estate. have power to hold, take, possess, enjoy, purchase, sell, or dispose of any real or personal estate for the benefit of the corporation; *provided*, that the income of said real and Proviso. personal estate shall not exceed the sum of two thousand dollars per annum; *and provided also*, that the estate of the said corporation shall not at any time be applied or appropriated to any purpose or object other than that of a charitable or benevolent nature, or for the relief of the members or the families of the members of said corporation.

Members to
be citizens of
the U. States.

4. *And be it enacted*, That no person shall be admitted a member of the said corporation who shall not be a citizen of the United States, or who shall not, before making application for admission as such member, have declared his intention to become a citizen of the United States, in the manner prescribed by act of congress in such case made and provided.

First directors.

5. *And be it enacted*, That the present officers of said society, as now elected, shall constitute the board of directors of said corporation, until the next election of officers therein.

Approved March 24, 1852.

CHAPTER CXLII.

AN ACT to confirm a deed of conveyance from Lewis R. Marsh, one of the executors of the last will and testament of Rolph Marsh, late of Rahway, Essex county, New Jersey, deceased, to James Moore, dated June fourth, one thousand eight hundred and forty-seven.

Preamble.

WHEREAS Rolph Marsh, late of Rahway, Essex county, in this state, deceased, in and by his last will and testament, dated the twenty-second day of September, eighteen hundred and four, authorized and empowered his executors, therein named, to sell and dispose, among other real estate of him the said testator therein mentioned, of a certain lot of land and dwelling house in Rahway aforesaid, which is in said will described as "all that lot of land and dwelling house adjoining the highway nearly opposite the house and lot of land belonging to my nephew, Henry Marsh," and to make sale and execute all deeds or conveyances proper for conveying a right in fee simple to the purchaser thereof, and did thereby appoint his two sons, Lewis R. Marsh and

Sidney Marsh, executors thereof, who afterwards, to wit, on the thirty-first day of December, eighteen hundred and four, proved the said will, and took upon themselves the execution thereof, as appears by the record thereof in the surrogate's office of the said county of Essex; and whereas it appears, by the memorial of James Moore, of Rahway aforesaid, that he has purchased a part of said lot of land and dwelling house of the said executors, and paid for the same, and that a deed of conveyance for the same, bearing date on the fourth day of June, eighteen hundred and forty-seven, has been executed and acknowledged by Lewis R. Marsh, one of the said executors, and delivered to him, the said James, but that the said Sidney Marsh, the other of said executors, refuses to join in the execution of said deed, without cause; and it appearing, by the affidavit of the said Lewis R. Marsh, accompanying the said memorial, that he knows of no good reason why the said Sidney refuses to join in the execution of said deed, and that he, the said Lewis, gives his full assent to the passage of an act confirming the said deed—therefore,

BE IT ENACTED *by the Senate and General Assembly* Deed executed by L. R. Marsh confirmed.
of the State of New Jersey, That the deed of conveyance made, executed, and delivered, by Lewis R. Marsh, one of the executors of the last will and testament of Rolph Marsh, late of Rahway, in the county of Essex, in this state, deceased, to James Moore, of Rahway aforesaid, dated the fourth day of June, eighteen hundred and forty-seven, shall be deemed and taken to be as valid and effectual to convey the lands and premises therein mentioned, as if Sidney Marsh, the other of the executors of the said will, had joined in the execution thereof.

Approved March 24, 1852.

CHAPTER CXLIH.

AN ACT to authorize the administrators of George C. Rumsey, of the county of Salem, to deliver certain deeds.

Preamble.

WHEREAS George C. Rumsey, in his lifetime, entered into an agreement with Benjamin Acton, jun., Robert Newell, Isaac Z. Peterson, Henry Freas, Alpheus Bilderback, John Johnson, and Richard C. Ballenger, to become the purchasers and joint owners of a certain steam grist mill, store house, wharf, and premises, in the town of Salem, known as "the Broadway mills," which were sold in the month of April, A. D. eighteen hundred and fifty-one, by the sheriff of the county of Salem, upon a decree of the court of chancery; and whereas the said George C. Rumsey, in further performance of said agreement, attended the said sale, and, in behalf of himself and his associates, bid off the said premises at nine thousand five hundred dollars; and whereas the sheriff of the county of Salem made and delivered to the said George C. Rumsey a deed for the said property, in the name of said George C. Rumsey alone; and whereas, in further pursuance of the agreement, so entered into as aforesaid, the said associates, above named, borrowed the sum of five thousand dollars, and the same was applied in part payment of the purchase money, and the said associates, by writings under their hands, are liable for the residue of said purchase money, and since the said sale have made large expenditures in repairing said mill, and have kept it in operation, as the joint property of all the persons above named, with the understanding that separate deeds should be made to the several owners; and whereas the said George C. Rumsey and Margaret his wife, on the twenty-seventh day of June, A. D. eighteen hundred and fifty-one, made and executed, in due form of law, seven deeds, conveying to each of the above named associates of the said George C. Rumsey "the equal undivided one-eighth part of the said steam grist mill, store house, wharf, lot of land, and premises" so conveyed to

him by the said sheriff of the county of Salem, which deeds are now in possession of his administrators; and whereas the said George C. Rumsey departed this life on the twenty-seventh day of December, A. D. eighteen hundred and fifty-one, without having delivered the said deeds, or either of them, to the several joint owners and associates aforesaid, and the said several persons above named and associated with the said George C. Rumsey, have no evidence of title or ownership for the said premises so by them purchased as aforesaid; and whereas administration of the estate of George C. Rumsey hath been granted to James W. Mecum and Margaret Rumsey, who have united with the said several associates in asking legislative aid to enable them to carry into effect the agreement made as aforesaid, and the application appearing to the legislature to be reasonable and proper—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James W. Mecum and Margaret Rumsey, administrators of the estate of George C. Rumsey, late of the county of Salem, deceased, be, and they are hereby authorized to deliver unto Benjamin Acton, jun., Robert Newell, Isaac Z. Peterson, Henry Freas, Alpheus Bilderback, John Johnson, and Richard C. Ballenger, the several deeds now in the possession of the said administrators, and made and executed on the twenty-seventh day of June, eighteen hundred and fifty-one, by George C. Rumsey and Margaret his wife, to the above named persons severally, and meant and intended to convey to each of the said persons the equal undivided eighth part of the steam grist mill, store house, lot of land, and appurtenances, formerly the property of Thomas F. Lambson, and called "the Broadway mills," which said several deeds shall have the same force and effect as if the same had been delivered to the several persons entitled thereto, by the said George C. Rumsey in his lifetime.

Administrators authorized to deliver deeds.

Approved March 24, 1852.

CHAPTER CXLIV.

AN ACT to incorporate the Keyport and Middletown Point Steamboat Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That De La Fayette Schenck, Henry H. Seabrook, Thomas V. Arrowsmith, Gideon S. Crawford, John Crawford, William H. Hendrickson, Asbury Fountain, William Walling, Garret Hyers, Joseph Beers, Henry L. Clark, Thomas P. Way, Frederick H. Way, John W. Hoff, David Warner, D. R. Martin, Haddock Whitlock, Daniel S. Stilwell, Aaron Longstreet, and William S. Horner and John W. Hoff, owners of the steamboats John Hart and Wilson Small, of Keyport, and such other persons as may hereafter be associated with them, their successors and assigns, shall be, and are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "the Keyport and Middletown Point Steamboat Company," for the purpose of continuing, establishing, and keeping up a line or lines of steam vessels, for the conveyance of freight and passengers to and from Middletown Point and Keyport and the city of New York, and such other ports as the directors may deem expedient, and, for that purpose, shall be capable of purchasing, or of otherwise receiving and becoming possessed of, and holding or conveying such real and personal estate as the purposes of the corporation shall require for docking, building warehouses, &c.; *provided*, such real estate shall not exceed in cost the sum of ten thousand dollars.

What real
estate may
be held.

Proviso.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be sixty-six 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.

Election of
directors and
president.

3. *And be it enacted*, That the management of the business and affairs of the said corporation shall be intrusted to and under the control of a board of five directors, who shall be elected by the stockholders, at such times and places

and for such terms as the by-laws may provide; which directors may choose and elect out of their own number, or from among the stockholders, a president, secretary, and treasurer, each of whom shall hold his office for one year and till others are elected in their stead, and shall perform the duties and services required of them by the by-laws of the corporation; and in all elections and other questions, each stockholder shall have one vote for each share he, she, or they shall own, which vote may be given in person or by proxy.

4. *And be it enacted*, That De La Fayette Schenck, Henry H. Seabrook, Garret Hyers, William S. Hornor, and William H. Hendrickson shall be, and are hereby appointed the first directors, who shall serve until the first election of directors by the said corporation. First directors.

5. *And be it enacted*, That the directors above named, or a majority of them, shall assemble as soon as convenient after the passing of this act, and before the first election of directors, and apportion and allot among the members of said corporation their respective interests therein; and if the capital stock already paid in does not amount to the sum of sixty-six thousand dollars, the directors of said company shall have power to call in the remaining capital stock of said company, by such instalments and at such times as they may direct, by giving thirty days' previous notice in two of the newspapers of the county of Monmouth; *provided*, that no such instalment shall exceed five dollars upon each share; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she, or they so neglecting or refusing shall forfeit their stock, and all payment made thereon. Payment of instalments.

6. *And be it enacted*, That the said company shall be empowered to build wharves, store houses, aqueducts or water pipes, and reservoirs for the conveyance of and retaining water for the use of their steamboats, and erect such other appurtenances as may be required for purposes appertaining thereto; *provided*, the rights of navigation or of individuals shall not be interfered with. Company may build wharves, &c.

Approved March 24, 1852.

CHAPTER CXLV.

A supplement to the act entitled, "An act to incorporate the Glassboro' and Carpenter's Landing Turnpike Company," passed the fourth day of February, eighteen hundred and fifty.

Number of
directors re-
duced.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the stockholders of said company to reduce the board of directors from thirteen, as is provided for in the third section of the act to which this is a supplement, to any number not less than five, at the option of the said stockholders; *provided*, that no such reduction shall take place without ten days' notice being first given of such intended reduction in "the Constitution," a newspaper published at Woodbury, in the county of Gloucester.

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

Approved March 24, 1852.

CHAPTER CXLVI.

AN ACT to incorporate the Franklin Hall Association of Crosswicks, New Jersey.

Names of
corporators.

Style of in-
corporation.
General
powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Waln, Amos E. Middleton, Charles D. Lippencott, Stacy Taylor, Hudson S. Ellis, John McCanney, 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 "the Franklin Hall Association of Crosswicks, New Jersey," and by that name shall have perpetual succession, and 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, for the purpose of erecting suitable buildings, or with buildings erected thereon, in the village of Crosswicks, and for the transacting of such business as may be connected with the erecting, building, conducting, leasing, or otherwise disposing of such building or buildings; and they shall have power to raise, by subscription, a capital not exceeding fifteen hundred dollars, divided into shares of five dollars each, and to take and hold any goods and chattels, sum or sums of money, which may be required for the purposes of said association, 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 said association, 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 said association, not contrary to the laws of this state or of the United States.

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

3. *And be it enacted*, That the government of the said corporation, and the management and disposition of its affairs and property, shall be vested in a board of directors, who shall be elected annually, at such time and in such manner as the said association shall by its by-laws provide; at the first meeting of the directors, 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 March 24, 1852.

CHAPTER CXLVII.

AN ACT to incorporate the Salem and Woodstown Turnpike Company.

Company
incorporatedCommission-
ers to re-
ceive sub-
scriptions.Amount of
capital stock.

Proviso.

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 herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Salem and Woodstown Turnpike Company;" and that Benjamin Acton, jun., George W. Garrison, Samuel Prior, jun., Robert Newell, Jonathan Grier, David Petit, Champion Atkinson, Charles Benner, William S. Clawson, Joseph K. Riley, and David Davis, or a majority of them, are hereby appointed commissioners to open the 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 one or more of the newspapers published in this state.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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 that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct, and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said board 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 the number of shares subscribed for shall exceed the

number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such appointment.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of eleven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and when three hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, eleven directors, for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, eleven directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by said board; and at every such election, and in 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, in person or by proxy; and that if three hundred shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent election of directors, they shall elect from their number a president of said

Annual election of directors.

Election and duties of president.

company, for the term of one year and until another shall be elected, who shall be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of the board, and in case of his absence, the said board shall appoint some other from 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 think expedient; and special meetings of the stockholders may be called by the 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 such 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.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road on or near the present public highway leading from the covered bridge at Salem to Woodstown, in the county of Salem, at least thirty-two feet in width (except the two causeways nearest the Salem covered bridge, which may remain of their present width,) which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, 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 construct, keep in repair, and maintain good and sufficient bridges along the line of said road; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good

and sufficient railings to be erected and maintained on the sides, so as to prevent horses from running off (except on the two causeways aforesaid), 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 improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike, plank, or gravel 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 will sustain by reason of the construction of the said road; and in case the said company and said 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 herein after provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike road. Proviso.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to said road, doing no unnecessary damages thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, clay, sand, or earth therefrom, suitable for constructing and repairing said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the Proceedings in case owners of land and company cannot agree. Proviso.

land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Salem, who is disinterested in the premises, upon application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county in which said land doth lie, to be by him filed as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county of Salem, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury

Parties aggrieved may appeal.

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 sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceedings, as well under this, as the seventeenth section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company shall have constructed the said road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each 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,

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 shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to

pro- Proviso.

Proviso.

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 other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States; *and provided also*, that the said company shall not be entitled to demand and receive toll for travelling over that part of the said road between the junction of the roads from Woodstown, Sharpstown, and Sculltown to Salem (commonly called the Pointers) and the covered bridge aforesaid.

Mile stones or posts to be erected and maintained.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same; and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Salem and Woodstown; 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."

Penalty for injuring works.

10. *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, for the information of the people travelling 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

ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall demand and receive more toll than 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 illegal tolls.

12. *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 directions, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action of damages for every such offence, to be recovered with costs of suit. Penalty for obstructing passage.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now or may or hereafter may be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace in the county of Salem, 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 the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so Proceedings in case road and bridges are not kept in repair.

complained of, and report to 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 open the same 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 travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the 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 from said company, again to view the said turnpike road or bridge, 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 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 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 persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the manner above described, one or more respectable persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

Road may
be made free

14. *And be it enacted*, That when the board of chosen freeholders of the county of Salem, or the inhabitants of the townships of Mannington and Pilesgrove, shall desire so to do, they may, by paying to the stockholders the original cost of constructing and improving said road as aforesaid, together with six per cent. interest thereon, if the said

interest shall not have been realized from the profits of the road, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the lands on which the said road passes, or from whence the materials for its construction may be taken.

15. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Salem, a full and perfect statement of the cost of the construction of said road. Statement of cost to be filed.

16. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Limitations and restrictions.

17. *And be it enacted*, That this act shall not take effect until the public highways upon which the said road is authorized to be located and made are vacated as public highways according to law; and in the event of such vacation as aforesaid, the board of chosen freeholders of the county of Salem shall determine upon what terms and conditions the bridges upon said roads, now belonging to said county, shall be disposed of to the said company, hereby incorporated; and in case the said company and the said board of chosen freeholders, respectively, cannot agree upon the amount proper to be paid for said bridges, then in that case the damages shall be assessed in like manner, and subject to the same exactions and restrictions, as is provided for in the seventh section of this act, in relation to other damages therein specified. When act to take effect.

Approved March 24, 1852.

CHAPTER CXLVIII.

AN ACT to incorporate the Upper Pittsgrove and Pittsgrove Turnpike Company.

Company in-
corporated.

Commission-
ers to open
books of sub-
scription.

Amount of
capital stock.

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 herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Upper Pittsgrove and Pittsgrove Turnpike Company,;" and that the following named persons, Matthias Hitchner, Cornelius M. Newkirk, Samuel Garrison, Andrew Suran, Enoch Newkirk, Simon Wiltsee, Martin Nixson, William Becket, Seth Soper, James Johnson, Abraham Vanmeter, Daniel Hitchner, and Abbott Atkinson, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscription 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 one of the Salem newspapers.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing it to any sum not exceeding twelve thousand dollars, and shall be divided into shares of twenty-five dollars each; that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in the manner aforesaid; 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 instalments,

or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

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 and fifty shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore directed with regard to the opening of said books, at which meeting the subscription book shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, 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 said board; 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, in person or by proxy; and that if one hundred and fifty shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That, as 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 be a citizen of this state, and shall receive such compensation for his services as the board

Annual election of directors.

Election of president.

of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 the 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 such 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 account of the affairs of the company during their said term.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road on or near the present public road, commencing at a point in the Mullica Hill and Pittsgrove turnpike road, in the county of Salem, or Gloucester, near Pineville, thence to follow on or near said public road leading to Penningtown, in Salem county, at least thirty-two feet in width, which said turnpike 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, gravel, plank, or other material, 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 four 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-two feet in width; 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 car-

riages from 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, clay, or other materials, for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as 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 will sustain by reason of the construction of the said turnpike road; and in case the said company and said 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 herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, gravel, or other materials, from his or her lands for the construction or maintaining of said turnpike road.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damages thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, earth, or other materials, therefrom suitable for constructing and maintaining said road as aforesaid; *provided*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and own-

Proceedings
in case com-
pany and
owners can-
not agree.

Proviso.

Parties ag-
grieved may
appeal.

ers cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Salem, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Salem, to be by him filed as a public record, and certified 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 circuit court of the county of Salem, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury 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 sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the company shall have constructed the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and will be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates per mile:

For every carriage, sleigh, or sled, drawn by one beast,

one cent.

And if drawn by two,

two cents.

For every additional beast,

five mills.

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 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 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,

Rates of toll.

Proviso.

or to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Mile stones
or posts to
be erected.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Pineville or Pennytown; 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.

10. *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, for the information of the people travelling 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 the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

11. *And be it enacted*, That if any tollgatherer 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, 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 illegal tolls:

12. *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 the said highway, in the passing directions, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in passing or repassing, 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.

13. *And be it enacted*, That when the board of chosen freeholders of the county of Salem shall desire so to do, they may, by paying to the stockholders the original cost of constructing said turnpike road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the land on which the said turnpike road passes, or from whence the materials for its construction may be taken. Road may be made free.

14. *And be it enacted*, That before the company, here- by incorporated, shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Salem, a full and perfect statement of the costs of the construction of said road. Statement of cost to be filed.

15. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law. When act to take effect.

16. *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 Liabilities and restrictions.

concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 24, 1852.

CHAPTER CXLIX.

A supplement to the act entitled, "An act relative to the court of errors and appeals," approved April sixteenth, eighteen hundred and forty-six.

Compensation of judges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the compensation of each of the six appointed judges of the court of errors and appeals shall, from and after the passing of this act, be five dollars per day, for every day they shall respectively attend the said court; and that the provisions of the seventh section of the act to which this is a supplement, inconsistent with this act, be, and the same are hereby repealed.

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

Approved March 24, 1852.

CHAPTER CL.

AN ACT to confirm the title of John B. Keeler to certain lands in the county of Burlington.

Preamble.

WHEREAS Benjamin Rogers, of the county of Burlington, purchased of William Cook, of said county, a certain tract of land, situate near Cook's mills, containing seventy-

hundredths of an acre, in said county, on the ninth day of April, eighteen hundred and ten, and at the same time he, the said William Cook, having received the consideration therefor, agreed to deliver to the said Benjamin Rogers a deed for the same; but, before it was executed, the said William Cook departed this life intestate, and the said Benjamin Rogers and his assigns has ever since continued in the peaceable possession thereof, and that John B. Keeler is now in possession of the same, and has been since the year eighteen hundred and thirty-three—therefore.

BE IT ENACTED *by the Senate and General Assembly* B. Rogers authorized to make deed.
of the State of New Jersey, That the said Benjamin Rogers, of the county of Burlington, in said state of New Jersey, is hereby authorized to make a deed for the tract of land bounded as follows: beginning at a stake corner to Bowman's lot, and runs, first north, eighty-two degrees west, one chain and fifty links; thence second, south eighty-eight degrees west, one chain and fifty links, to the corner of Daniel Sexton's land; thence third, three degrees and twenty minutes west, two chains to a stone in the pond; thence fourth, south fifty-nine degrees and thirty minutes east, four chains and forty links, to a stone corner to the tavern property; thence fifth, north sixty-one degrees and thirty minutes east, to a stone corner, thirty and a half links; thence sixth, one chain, to the place of beginning: and the same shall convey and assure the said tract of land to the said John B. Keeler, his heirs and assigns, to all intents and purposes, as if a deed had been made by the said William Cook in his lifetime to the said Benjamin Rogers.

Approved March 24, 1852.

CHAPTER CLI.

A supplement to the act entitled, "An act for the suppression of lotteries".

Penalty for
disposing of
lottery tick-
ets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall give, barter, sell, or otherwise dispose of, or offer to give, barter, sell, or otherwise dispose of, any ticket or tickets, or any share or interest in any ticket or tickets, in any lottery, whether erected, set up, opened, or made in this state or elsewhere, or the chance or chances of any such ticket or tickets, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both.

Penalty for
insuring tick-
ets.

2. *And be it enacted*, That if any person or persons shall issue any policy of insurance, or insure or receive any consideration for insuring for or against the drawing of any ticket or tickets, number or numbers, or any share or interest in any ticket or tickets, in any lottery, or shall receive any money, goods, or thing in action, in consideration of any agreement to repay any sum or sums of money, or to deliver any goods or thing in action, if any ticket or tickets, or any share of any ticket or tickets, in any lottery, shall prove fortunate or unfortunate, or shall be drawn, or not drawn on any particular day or in any particular order, or shall promise or agree to pay any sum of money, or deliver any goods or thing in action, or to do or forbear to do any thing for the benefit of any other person or persons, upon any event or contingency dependent on the drawing of any ticket or tickets, or any share of any ticket or tickets, or upon the drawing of any number or numbers in any lottery, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor, not exceeding one year, or both.

Proof neces-
sary on trial.

3. *And be it enacted*, That it shall not be necessary, upon the trial of any indictment under this act, to prove

the existence of any lottery in which any ticket, share, or part of a ticket purports to have been issued, or the actual signing of any such ticket or share, nor that any ticket, share, or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager, or the existence of any lottery in which any number or numbers may be charged to have been insured; but, in all cases, proof of the sale, furnishing, bartering, or procuring of any ticket, share, or interest therein, or of any instrument purporting to be a ticket, or part or share of any ticket, shall be conclusive evidence that such ticket, share, or interest was signed and issued according to the purport thereof.

4. *And be it enacted*, That one half of every fine inflicted and collected under any of the provisions of this act shall, when collected, be paid to the person giving information, by reason of which a conviction shall be had. Fines, how disposed of.

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

Approved March 24, 1852.

CHAPTER CLII.

AN ACT to incorporate the Williamstown and Good Intent Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Williamstown and Good Intent Turnpike Company;" and that Joel Bodine, David E. Marshall, Richard H. Tice, Simon Rammel, John F. Bodine, Joseph Nicholson, William Taylor, Company incorporated.

Commissioners to receive subscriptions.

William Tweed, and Samuel D. Sharp, or a majority of them, are hereby appointed commissioners to open the 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 Constitution," a newspaper printed and published at Woodbury, in the county of Gloucester, and one of the newspapers published in the city of Camden.

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 any sum not exceeding twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, two dollars and fifty cents 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 that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct; and 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 the said instalments, 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, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

Proviso.

Annual elec-
tion of di-
rectors.

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 three hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meet-

ing in the newspapers 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 and until others shall be chosen in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors, to hold as aforesaid; and the judge of said election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, in person or by proxy; and that if three hundred shares of said stock shall not be subscribed for within one year, and the said road completed within three years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That as soon as conveniently may be after the first and every subsequent annual election of directors, they shall elect a president, secretary, and treasurer of said company, for the term of one year and until others shall be elected in their stead, who shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some 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 duties and trusts as they may deem expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the

Election and
duties of
president.

company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during said year.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from Williamstown, by way of Blackwoodtown, to Good Intent, in the county of Camden, on or near the present public highway, at least thirty-two feet in width, and not exceeding four rods, which said turnpike shall be sufficiently arched and drained to make and keep the same dry; at least eighteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of four 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; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from 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 and improving said road as aforesaid, doing

Proviso.

no unnecessary damage to said land; *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 will sustain by reason of the construction of said turnpike road; and in case the said company and the said 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 herein after provided for ascertaining and determining the damage which

any land owner or owners may sustain by the taking of stone or gravel from his or her lands for the construction or maintaining of said turnpike road.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, sand, gravel, or clay therefrom, suitable for constructing and maintaining said road as aforesaid; *provided always*, Proceedings in case owners of land and company cannot agree. Proviso. that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of land or materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Camden, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, to appoint three disinterested commissioners, freeholders of the county in which the land lies, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evi-

Parties ag-
grieved may
appeal.

dence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Camden, to be by him filed as a public record, and certified 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 circuit court of the county of Camden, at the first term to be held after such decision, by proceeding in the form of petition to the said court, giving at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said appeal shall be made by the company, and the said court or jury shall award or find the same or a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be, for the same; but if the said appeal be made by the owner or owners of the land, and the said court or jury shall not award or find the same, or a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found or awarded, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so valued and appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said company to pay the amount of any award or report, so made

in behalf of any such persons, into the circuit court of the county of Camden, or to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceedings shall be at the proper costs and charges of the said company, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company Rates of toll. shall have constructed the said turnpike road, according to the directions, true intent, and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each 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, 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 shall have paid the toll, as above specified; *pro-* Proviso. *vided*, 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 to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States.

9. *And be it enacted*, That before the said company shall Mile stones or posts, to be erected and maintained. receive toll for travelling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same; and on each

stone or post shall be fairly and legibly marked the distance the said stone or post is from Williamstown and Good Intent ; 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.

10. *And be it enacted*, That if any person shall wilfully break down or deface any of the mile stones or posts, so erected on the said road, for the information of the people travelling 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, 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 debt, or other proper action, by said company, for the recovery of damages for the same, in any court of competent jurisdiction, with costs of suit ; and if any person, with his carriage, team, or horse, shall turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller 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 unnecessarily hindered or defrauded.

Penalty for
obstructing
passage.

12. *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 same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Camden, who may be disinterested, the said judge 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, either of said townships, which three persons, being disinterested in the said turnpike 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 of the peace may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so complained of, and report to the said justice of the peace, 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 turnpike road, the said justice of the peace shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice of the peace to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the justice of the peace 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 ap-

Proceedings
in case road
and bridges
are not kept
in repair.

plication from said company, again to view said turnpike road or bridge, and report, as aforesaid, their opinion to the said justice of the peace, 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, 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 making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice of the peace shall appoint, in the same manner above prescribed, one or more respectable freeholders of 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.

When act to
take effect.

14. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made, are vacated as public highways, according to law.

Limitations
and restric-
tions.

15. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable; and that so much of the act entitled, "An act to incorporate the Williamstown and Camden Turnpike or Plank Road Company," approved February twenty-eighth, eighteen hundred and forty-nine, as is repugnant to this act, be, and is hereby repealed.

Approved March 24, 1852.

CHAPTER CLIII.

AN ACT to incorporate the Hudson and Bergen Plank Road Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become stockholders, pursuant to this act, are hereby constituted a body corporate, by the name of "the Hudson and Bergen Plank Road Company." Style of incorporation.

2. *And be it enacted*, That the capital stock of the said company shall be fifteen thousand dollars, to be divided into shares of twenty-five dollars each, and shall be deemed personal property, and shall be assignable and transferable in such manner as shall be prescribed in and by the by-laws of said corporation. Amount of capital stock.

3. *And be it enacted*, That whenever two thousand dollars of the capital stock of this company shall be subscribed, a meeting of the stockholders shall be called, at some convenient place, by advertising in one or more of the newspapers published in Jersey City, at least ten days previous to the day of meeting, for the purpose of choosing seven directors; and the persons then chosen shall be the first directors of the said company, and shall hold their office for one year or until others are appointed in their stead. Election of directors.

4. *And be it enacted*, That the said corporation is hereby empowered to lay out, construct, and, during its existence, maintain, a road from and commencing at the Newark plank road, where it crosses the old Bergen road, and following the said road through the towns of Bergen and Hudson, and following said road until it intersects the Paterson and Hoboken plank road, at or near Secaucus. Company authorized to construct road.

5. *And be it enacted*, That the track of said road shall be constructed of timber and plank, so that the same shall form a smooth and even surface, at least eight feet in width; the manner of building said road shall be determined by the directors of said corporation. Description of road.

6. *And be it enacted*, That the said corporation may use

Corporation may use Hudson avenue. the road known as the Hudson avenue, until it intersects with the Jersey City and Bergen Point plank road, commencing at the old Bergen road.

Commissioners to open books of subscription. 7. *And be it enacted*, That the following persons shall be commissioners to open the books and receive subscriptions for the capital of said corporation, or donation therefor, viz: Job Smith, Edmund T. Carpenter, Jacob Van Winkle, jun., John Garrison, John Romaine, Jacob M. Merselius, and James Montgomery.

Rates of toll. 8. *And be it enacted*, That whenever one mile of said road shall be completed; commencing at said Newark plank road, leading through the towns of Bergen and Hudson, it shall be lawful for the board of directors of said company to cause a tollgate to be erected on the line of said road, wherever the directors may determine, and a tollgatherer to be appointed, at which gate the said company may demand and receive toll, not exceeding the following rates, to wit: for every sled, carriage, or vehicle drawn by one or two animals, one cent per mile for each mile of travel, and no more; for every additional beast, five mills; for every horse and rider or led horse, one cent; all cattle going and returning from pasture, free; also all persons, with their teams, going to and from their work on their farms: the said road to be completed within four years after the passage of this act, and kept in substantial and good repair.

Toll gate in North Bergen. 9. *And be it enacted*, That whenever three continuous miles are completed, it may be lawful to erect a gate in the town of North Bergen, and demand and receive the above mentioned tolls.

Travellers may be detained until toll is paid. 10. *And be it enacted*, That the tollgatherer at the gates, when erected on said road in pursuance to this act, may detain and prevent from passing such gate or gates any carriage or animals subject to pay toll, until the toll thereon is paid.

Penalty for injuring works. 11. *And be it enacted*, That any person who shall wilfully or carelessly injure any gate or part of said road shall be subject to pay all damages, to be sued for in an action of debt, and collected by and for the use of said company.

12. *And be it enacted*, That the concerns of said com-

pany shall be managed by a board of directors, a majority of whom shall be residents of this state; and no person shall be eligible to the office of director, unless he shall own, at the time of his election, at least four shares of the capital stock of the said company; no person shall be liable to pay toll who shall be going to or returning from their usual place of religious worship.

13. *And be it enacted*, That the said commissioners, Job Smith, Edmund T. Carpenter, Jacob Van Winkle, jun., John Garrison, John Romaine, Jacob M. Merselius, and James Montgomery, are hereby appointed commissioners to locate said road, on the route mentioned in the fourth section of this act, by first getting the consent of the majority of the land holders through which said road passes; in case either of the above named commissioners shall neglect or refuse to serve, one of the judges of the county of Hudson shall appoint some disinterested person or freeholder in the county to serve in their stead; before entering upon the discharge of their duties, they shall subscribe the constitutional oath of office, and shall be paid, by the said corporation, such sums as the directors shall deem just.

14. *And be it enacted*, That this act shall continue in force twenty years.

Approved March 24, 1852.

CHAPTER CLIV.

AN ACT to incorporate the Westville and Glassborough Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corpo-

Commission-
ers to open
books of sub-
scription.

rate, in fact and in law, by the name of "the Westville and Glassborough Turnpike Company;" and the following named persons, Isaac Douton, Thomas Chew, Andrew Dilks, jun., John C. Turner, Thomas W. Hurff, Joshua Scott, Joseph Leap, Joel Wood, Joshua Matlack, John W. Down, Thomas A. Chew, Jesse B. Thompson, Joseph Turner, West Jessup, John B. Jessup, Thomas H. Whitney, or a majority of them, are hereby appointed commissioners to open the 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 one of the Camden and Gloucester county newspapers.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to any sum not exceeding thirty thousand dollars, and shall be divided into shares of twenty-five dollars each; that, at the time of subscribing to said stock, the sum of 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; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in manner aforesaid; 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 instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

Annual elec-
tion of direc-
tors.

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 four hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of

them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore 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 for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors, a majority of whom shall be citizens of this state; and the judges of such election shall be appointed by said board; 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, in person or by proxy; and that if four hundred shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sum paid.

4. *And be it enacted*, That, as 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 be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 the stockholders

Election of
president.

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 such 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 account of the affairs of the company during their said term.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, to begin near Glassborough, at the turnpike leading from Glassborough to Carpenter's landing, and to run in northerly direction by Jessup's mill to Dilksborough, till it intersects the road leading from Bethel to Clement's bridge, along the same to Samuel A. Rockhill's; thence in westerly direction, down the road leading to Woodbury, till it comes to what is called the Buck road; thence along the same to Westville, and there to end in Gloucester county, not more than four rods in width, which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four 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-two feet in width; and whenever the said road, in passing over low ground, shall be raised so much at the margin or sides as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; 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, clay, or other material for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as the said company shall construct the said turnpike road as

Proviso

aforesaid, they shall pay to the respective owners of the lands 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 company and the said 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 herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, gravel, or other materials, from his or her lands for the construction of said turnpike road.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damages thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom suitable for constructing and maintaining said road as aforesaid; *provided always*, Proceedings in case company and owners cannot agree. Proviso. that said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the counties of Gloucester or of Camden, in whichsoever the lands in dispute may be located, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after

Parties ag-
grieved may
appeal.

hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said counties of Gloucester and Camden, as the case may be, to be by them filed as a public record, and certified 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 circuit court of the county in which such lands lie, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find the same or a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury 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 sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said com-

pany may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners, all which proceedings, as well under this act, as the sixteenth section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the company shall have constructed the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates per mile, to wit:

For every carriage, or sled, or sleigh, drawn by one beast,

one cent.

And if drawn by two,

two cents.

For every additional beast,

five mills.

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 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 shall have paid the toll, as above specified; *provided*, that

Proviso.

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 to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his

farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Mile stones
or posts to
be erected.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one for every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Westville or Glassborough; 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 a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

Penalty for
injuring
works.

10. *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, for the information of the people travelling 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 the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

11. *And be it enacted*, That if any tollgatherer 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, he shall, for every such offence, forfeit and

pay the sum of twenty dollars, with costs of suit, to be prosecuted for the sole use of the person so unreasonably hindered or defrauded.

12. *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 the said highway, in the passing directions, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any judge of the court of common pleas of the counties of Gloucester or Camden, in which said road lies, who may be disinterested, the said judge shall immediately appoint, by writing under his hand and seal, three of the township committee wherein the cause of complaint arose, or on the line of any two townships, of either of said townships, which three persons, being disinterested in the said turnpike 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 judge may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said 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 turnpike road, the said judge shall immediately, in writing under his hand and seal, order the said keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, for each offence,

Penalty for
obstructing
passage.

Proceedings
in case road
or bridges
are not kept
in repair.

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 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 turnpike road or bridge, and report, as aforesaid, their opinion to the 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 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 persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above described, one or more respectable persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

Road may be
made free.

14. *And be it enacted*, That when the board of chosen freeholders of the counties of Gloucester or Camden, or either, shall desire so to do, they may, by paying to the stockholders the original cost of constructing said turnpike road, as aforesaid, make the same free; and that nothing in this act shall be so construed to affect the right of the owners to the land on which the said turnpike road passes, or from whence the materials for its construction may be taken.

Statement
of cost to be
filed.

15. *And be it enacted*, That before the company, hereby incorporated, shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the offices of the clerks of the respective counties of Gloucester and Camden, a full and perfect statement of the cost of construction of said road.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law.

17. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Liabilities and restrictions.

18. *And be it enacted*, That when the said turnpike road shall be finished, as by the act directed, from Hurffville to the Woodbury and Good Intent turnpike road, that it shall and may be lawful for the said company to erect a gate or gates, or turnpikes, and collect toll for travelling the same, according to provisions of this charter, any thing to the contrary notwithstanding. Gates may be erected, and toll demanded.

Approved March 24, 1852.

CHAPTER CLV.

AN ACT to enable the executors of Nancy Scott, deceased, to execute her last will and testament.

WHEREAS Nancy Scott, spinster, late of the city of New Brunswick, did, about the month of February, one thousand eight hundred and forty-eight, depart this life, having previously published her last will and testament, which, on the twenty-first day of February aforesaid, was duly proved before the surrogate of the county of Middlesex, by Samuel Baker and Cortlandt Parker, two of the executors thereby constituted; and whereas, in and by her said last will and testament, the said Nancy Scott did order and direct as follows: "Seventhly, I hereby order and direct my executors, herein after named, Preamble.

to sell and dispose of all my real estate within one year after my decease, and to execute and deliver to the purchaser or purchasers thereof, good and sufficient deed or deeds for the same, and the money arising from such sale or sales, I direct my executors to loan out at interest on good security, and to pay the interest arising from such loan annually to my niece, Eliza S. Garretson, as long as she shall remain unmarried, and at the time of her marriage, whenever the same may happen, divide the said money, so to be loaned out, into two equal parts, and to pay the one half part thereof to the said Eliza S. Garretson, and the other half to the said Jane G. Gulick; and in case the said Eliza S. Garretson should die before her marriage, then, in the said last mentioned division, I direct that the part to which she would have been entitled at her marriage shall be equally divided between her two youngest brothers;" and whereas, owing to the then difficulty of selling real estate in said New Brunswick, where the lands of said testatrix were, the said executors were unable to sell any part of the same within one year after the decease of said testatrix, although the same was by them, within the said period, duly advertised for sale and exposed at public vendue—now, therefore, in order to effectuate the intention of said testatrix and to enable the said executors to sell the said real estate,

Executors
authorized
to convey
real estate.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for Samuel Baker and Cortlandt Parker, executors of the last will and testament of Nancy Scott, deceased, to sell and convey to any person, for such prices as they may deem sufficient, all or any part of the real estate of the said Nancy Scott, and that any conveyance by them duly executed for any part of said real estate, shall vest in the purchaser as full and ample a title to the same, as if the sale and conveyance thereof had been made within the year succeeding the decease of said testatrix.

Approved March 24, 1852.

CHAPTER CLVI.

AN ACT making appropriations to the New Jersey Colonization Society.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sum of one thousand dollars shall be, and the same is hereby appropriated, to be paid annually for the period of two years by the treasurer of this state, for the purposes and in the manner herein after prescribed. Payment of appropriation authorized.

2. *And be it enacted*, That whenever satisfactory proof shall be produced to the governor of the state that any number of the free people of color, residents of this state, shall have been hereafter actually transported to the government of Liberia, or other place on the western coast of Africa, or that they shall have been embarked for transportation thither from within the limits of this state by the New Jersey Colonization Society, the governor shall issue his warrant on the treasury of this state for such sum or sums of money as may be necessary to defray the cost of transporting and subsisting such free persons of color for a limited time on the said coast of Africa, payable to the authorized agent of the said New Jersey Colonization Society; *provided*, that the sum or sums which may, from time to time, be thus expended, shall in no one year exceed one thousand dollars; *and provided further*, that no more than fifty dollars of the above sum shall be allowed by the governor for the transportation and subsistence, as aforesaid, of any free person of color. Manner of payment. Proviso. Proviso.

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

Approved March 24, 1852.

CHAPTER CLVII.

AN ACT to incorporate the Pittstown and Bridgeton Turnpike Company.

Company
incorporated

Commission-
ers to re-
ceive sub-
scriptions.

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 herein after mentioned, their successors and assigns, shall be, and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of. "the Pittstown and Bridgeton Turnpike Company," and that James B. Potter, Samuel Garrison, Charles E. Elmer, J. Sheppard Whitaker, John T. Nixon, John Johnson, of Salem, Horatio J. Mulford, John Kundle, David Sithens, James H. Trenchard, George Fox, Jonathan Hogate, and Jonathan Garten, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may determine, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in "the Bridgeton Chronicle," a newspaper printed and published at Bridgeton, in the county of Cumberland, and "the National Standard," printed at Salem, in Salem county.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to any sum not exceeding forty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, two dollars and fifty cents 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 that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct; and 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 the said instalments, 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, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than four shares of said stock shall be reduced by such apportionment.

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; and that when three hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty 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 thereupon proceed to elect, by ballot, seven directors, for the term of one year and until others are elected in their stead, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, seven directors, to hold as aforesaid, a majority of whom shall be citizens of this state, and the judge of said election shall be appointed by said board; 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 thereof, in person or by proxy; and that if four hundred shares of said stock shall not be subscribed within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Election and
duties of
president.

4. *And be it enacted*, That as soon as conveniently may be after the first and subsequent annual election of directors, they shall elect a president, treasurer, and secretary of said company, for the term of one year and until others are elected in their stead, who shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence the said board shall appoint some other from 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 duties and trusts as they may deem expedient; and special meetings of the 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 such meeting is called.

Annual state-
ment 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.

Description
of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, to commence in the main street in the village of Pittstown, where the Allowaystown road to Fork Mills crosses the same, near Johnson's grist mill in the county of Salem; then along the main stage road, or near the same, through the village of Centreville, in the county of Salem, still on or near the main stage road to the town of Bridgeton, in the county of Cumberland; which said turnpike road shall be laid two and a half rods wide, shall be graded thirty feet wide, at least, and shall be sufficiently arched and drained to make and keep the same dry, and at least twenty-two feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, 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 construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty-two 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 sides, so as to prevent horses and carriages from 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, clay, or other material for constructing and improving said road, as aforesaid, doing no unnecessary damage to said land; *pro-Provido.* *vided*, 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 will sustain by reason of the construction of said turnpike road; and in case the said company and the said 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 herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel, or other materials, from his or her lands, for the construction or maintaining of said turnpike road.

7. *And be it enacted*, That it shall and may be lawful ^{Proceedings in case owners of land and company cannot agree.} for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damages thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or other material therefrom, suitable for constructing and maintaining said road as aforesaid; *pro-Provido.* *vided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of

the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land or materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Salem, or if the premises, as specified as aforesaid, shall be in the county of Cumberland, then a judge of the court of common pleas of the county of Cumberland, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, to appoint three disinterested commissioners, citizens of this state, to ascertain the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Salem, or if in the county of Cumberland, then to the clerk of the said county of Cumberland, to be by him or them filed as a public record, and certified copies 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 circuit court of the county of Salem, or if in the county of Cumberland then the parties so aggrieved as aforesaid may appeal to the circuit court of the county of Cumberland, at the first term to be holden after such decision of the com-

Parties aggrieved may appeal.

missioners, by proceeding in the form of petition to the said court or courts, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in said court or courts full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said appeal shall be made by the company, and the said court or courts, or jury, shall award or find the same or greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be, for the same; and if the said appeal be made by the owner or owners of the land, and the said court or jury shall not award or find a greater sum than was awarded by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted from the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so awarded or found, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been valued and appraised as aforesaid; and in case the owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which could prevent their agreement with the said company, then it shall be the duty of such corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of the county of Salem, or if in the county of Cumberland, into the circuit court thereof, to the clerk thereof, subject to the order of the court, for the use of the said owner or owners; all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company Rates of toll. shall have constructed the said turnpike road, according to

the directions, true intent, and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each 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, 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 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 to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to and from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones
or posts to
be erected
and main-
tained.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same; and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Pittstown and Bridgeton; 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."

10. *And be it enacted*, That if any person shall wilfully break down or deface any of the mile stones or posts, so erected on said road, for the information of the people travelling 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, 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 by the said company for the recovery of damages, in any court of competent jurisdiction, with costs of suit; and if any person, with his carriage, team, or horse, shall turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to evade the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

11. *And be it enacted*, That if any tollgatherer 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, 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 unnecessarily hindered or defrauded.

12. *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 the said road in the passing direction, leaving the other side of the same free and clear for carriages 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 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.

13. *And be it enacted*, That if the said company shall

Proceedings
in case road
and bridges
are not kept
in repair.

not keep the said turnpike road, and bridges which may be erected thereon, in repair, and complaint thereof shall be made in writing to any judge of the court of common pleas of the county of Salem, or if in Cumberland, to any judge of the court of common pleas of the county of Cumberland, who may be disinterested, the said judge 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 the said turnpike road, 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 said 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 a state as the law requires it to be kept in; and if the report be unfavorable to the said turnpike road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the 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 turnpike 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 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, 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 making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above prescribed, one or more respectable citizens 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 appointed.

14. *And be it enacted*, That when the board of chosen freeholders of the respective counties of Salem and Cumberland shall desire so to do, they may, by paying to the stockholders the original cost of constructing said turnpike road as aforesaid, make the same free; and that from thenceforth the said road shall become a public highway, and subject to be repaired and regulated in the same manner as the other public highways; and that nothing in this act shall be construed to affect the right of the owners of the land on which the said turnpike road passes, or from whence the materials for its construction may be taken.

Road may
be made free

15. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by this act, the president thereof shall file, under oath or affirmation, in the office of the clerks of the respective counties of Salem and Cumberland, a full and perfect statement of the cost of the construction of said road.

Statement
of cost to
be filed.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law; *provided nevertheless*, that such vacation shall not take effect until the route of the said turnpike road shall be selected and fixed by said company; but the same shall remain public highways to all intents and purposes, notwithstanding such vacation, until the route of said turnpike road shall be fixed as aforesaid.

When act to
take effect.

17. *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 con-

Limitations
and restric-
tions.

cerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 24, 1852.

CHAPTER CLVIII.

A supplement to an act entitled, "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six.

Dogs in certain counties to be taxed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That every person who shall keep or harbor a dog or bitch, shall be taxed yearly and every year, for each and every dog or bitch so harbored or kept, the sum herein after provided for, which tax shall be assessed and collected by the assessors and collectors appointed for the assessing and collecting of the state, county, or township taxes, in the several townships in the counties of Somerset, Morris, Monmouth, and Essex, except the city of Newark, and the townships of Belleville, Elizabeth, and Union, in the said county of Essex; in the same manner and at the same time as other annual taxes raised for state, county, or township purposes are assessed and collected; and the same fees shall be allowed the said assessor and collector as are allowed for assessing and collecting the state, county, or township tax; and the assessors and collectors shall be subject to the same fines and penalties for neglect of duty as are prescribed in the act, to which this is a supplement.

Penalty for refusing to give account of number of dogs.

2. *And be it enacted*, That every inhabitant who shall refuse wilfully, or neglect to deliver to the said assessor, when by him required, a true account of the number of dogs or bitches made taxable by the act, to which this is a supplement, and owned or harbored by him, her, or them,

as aforesaid, he, she, or they shall, for every such refusal or neglect, forfeit and pay the sum of five dollars, to be recovered in an action of debt, with costs of suit, by the collector of the township wherein such offence shall have been committed, and for the benefit of the township.

3. *And be it enacted*, That it shall and may be lawful, and it shall be the duty of the assessors of the several townships in this state, except in such townships or county as are exempted in the act to which this is a supplement, to set down, on a separate column on their several duplicates, opposite the name of each person or persons, the number of dogs or bitches which he, she, or they may own or harbor on his, her, or their premises at the time of making their several annual assessments, and make a return of the same, to the township committee of the several townships in this state, at their meeting on the first Monday of October, in each and every year, before said duplicate is delivered to the collectors of said townships.

Assessors to make return to township committee.

4. *And be it enacted*, That any person or persons having sustained any damage by dog or dogs, bitch or bitches, to them unknown, in said townships, shall proceed to have the damage appraised according to the act, to which this is a supplement; he, she, or they shall present said certificate to the aforesaid township committee, under the same regulation and requirements as are provided in the act, to which this is a supplement, on the first Monday of October, in each and every year; and the said committee, after having received said bills up to that day, shall consider their amount as to the amount of damage done for that year, and shall be the amount to be assessed on the number of dogs in said township, as returned by the said assessor.

Damage by dogs to be assessed.

5. *And be it enacted*, That the said township committee, after having ascertained the amount of damage done, and the number of dogs and bitches in said township, shall have power to levy such amount of tax on each and every owner or harbinger of said dogs or bitches as shall be sufficient to pay the whole amount of damage done to sheep in said township, together with the expenses of assessing and collecting the same; and whatever the amount of damage is found to be, shall be apportioned on the number

Tax, how to be apportioned.

of dogs and bitches so returned as aforesaid, and that amount shall be the dog tax for that year; and the said township committee or assessor shall enter in his duplicate, opposite the name of such person or persons as he shall have assessed, the amount, as directed by the township committee, as dog tax for that year, and no more.

Collection of
tax.

Proviso.

6. *And be it enacted*, That the said township collectors shall be empowered to collect the said tax in the same manner as is directed by the act, to which this is a supplement; *provided always*, that nothing herein contained shall extend to cases wherein a recovery of damages can be obtained of the owner or owners of such dog or dogs, bitch or bitches, as shall have committed the injury.

Part of former act
repealed.

7. *And be it enacted*, That the first, second, and fifth sections of the act, to which this is a supplement, so far as relates to the counties of Somerset, Morris, Monmouth, and that part of Essex included in the first section of this act, shall be, and the same are hereby repealed.

When act to
take effect.

8. *And be it enacted*, That this act shall go into effect on the first day of April, one thousand eight hundred and fifty-two.

Approved March 24, 1852.

CHAPTER CLIX.

A further supplement to the act entitled, "An act to incorporate the Paterson Fire Association," passed November third, eighteen hundred and twenty-one.

Firemen ex-
empt from
militia and
jury duty.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall serve as an active fireman and member of the Paterson fire department for the term of seven years, shall be thereafter exempted from duty under the militia laws of this state in time of peace, and from service upon any jury or inquest, in courts or other places, in the county of Passaic, and that

the time already served by the members of the said department, now acting as firemen therein, shall be taken and computed as part of the said term of seven years; *provided* Proviso. *however*, that if any person shall have already served as a member and fireman of the said department for the said term of service, and shall serve therein for the term of one year after the passage of this act, he shall be exempted from the duty and service aforesaid, as fully as if he had served the full term of seven years after the passage of this act.

Approved March 24, 1852.

CHAPTER CLX.

A supplement to an act entitled, "An act to set off a part of the township of Vernon, in the county of Sussex, and to annex the same to the township of Hardyston, in said county."

BE IT ENACTED *by the Senate and General Assembly* Offices of justices of the peace not vacated. *of the State of New Jersey*, That the act, to which this is a supplement, shall not be taken or construed to vacate the office of any justice of the peace elected in the said township of Vernon, and that this act, and the act to which it is a supplement, shall take full effect on the second Monday of April next, any thing in the said act to the contrary notwithstanding.

Approved March 25, 1852.

CHAPTER CLXI.

AN ACT to incorporate the Medford and Tuckerton Turnpike Road Company.

Company in-
corporated.

Commission-
ers to open
books of sub-
scription.

Amount of
capital stock.

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 herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Medford and Tuckerton Turnpike Road Company ;" and the following named persons, Jonathan Oliphant, Daniel Coates, Charles Collins, William W. Flemming, William Richards, Nicholas Sooy Thompson, John R. Slack, Isaiah Adams, Thomas Page, Daniel Melvine, Timothy Pharo, Absalom Smith, Archelaus R. Pharo, or a majority of them, are hereby appointed commissioners to open the 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 one of the Camden county newspapers.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to any sum not exceeding one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each; that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in manner aforesaid; 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 instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of thirteen 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 eight hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore 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, thirteen directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, thirteen directors, a majority of whom shall be citizens of this state; and the judge of such election shall be appointed by said board; 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, in person or by proxy; and that if eight hundred shares of said stock shall not be subscribed for within three years, and the said road completed within six years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

Annual election of directors.

Election of president.

4. *And be it enacted*, That, as 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 be a citizen of this state, and who

shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 the 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, as aforesaid, of the time and place of holding the same, and the object for which such meeting is called.

Annual statement to be made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete account of the affairs of the company during their said term.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike or plank road, on or near the present mail route from the village of Medford, in the county of Burlington, to the village of Tuckerton, in the same county, not more than four rods wide, thirty-two feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least fourteen feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, 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 four 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-two feet in width; and whenever the said road shall be raised so much at the margin or sides as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or

other persons in their employ, enter, from time to time and at all times, upon all lands to search for stone, gravel, sand, or clay, for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as the said company shall construct Proviso. the said turnpike or plank road aforesaid, they shall pay to the respective owners of the lands over which the same may pass all damages which the said owners will sustain by reason of the construction of the said turnpike or plank road; and in case the said company and said 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 herein after provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone, gravel, or other materials, from his or her lands for the construction or maintaining of said turnpike or plank road.

7. *And be it enacted*, That it shall and may be lawful Proceedings in case company and owners cannot agree. for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom suitable for constructing and maintaining said road as aforesaid; *provided always*, Proviso. that said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the

duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Burlington, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county of Burlington, to be by him filed as a public record, and certified 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 circuit court of the said county, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury 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

Parties aggrieved may appeal.

owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners, all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company Rates of toll. shall have constructed the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

And if drawn by two, two cents per mile.

For every additional beast, five mills.

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 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 shall have paid the toll, as above specified; *provided*, that Proviso. 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 to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Mile stones
or posts to
be erected.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike or plank road, they shall cause mile stones or posts to be erected or maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Medford or Tuckerton; 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.

10. *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, for the information of the people travelling 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 the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall demand and receive more toll than 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 illegal tolls.

12. *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 the said highway, in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit. Penalty for obstructing passage.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Burlington, 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 the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so complained of, and report to 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 said persons report that the said turnpike road, or any part thereof, is not in such a state of repair as is required by this act, the said justice shall immediately, in writing un- Proceedings in case road or bridges are not kept in repair.

der his hand and seal, order the keepers of the gates or turnpikes, upon said road, or the keepers of the gates or turnpikes which include the parts of the road not in the state of repair required by law, to keep open the same 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 travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the 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 from said company, again to view the said turnpike road or bridge, 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 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 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 persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

Road may be
made free.

14. *And be it enacted*, That when the board of chosen freeholders of the county of Burlington, shall desire so to do, they may, by paying to the stockholders the original cost of constructing and improving said turnpike road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the land on which the said turnpike road passes, or from whence the materials for its construction may be taken.

15. *And be it enacted*, That before the company, here-

by incorporated, shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Burlington, a full and perfect statement of the cost of construction of said road.

Statement
of cost to be
filed.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law.

When act to
take effect.

17. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Limitations
and restric-
tions.

Approved March 25, 1852.

CHAPTER CLXII.

A supplement to the act entitled, "An act to prevent frauds by incorporated companies."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever an injunction shall have been granted against any incorporated company, as provided for in the fifth section of the act to which this is a supplement, and a receiver or receivers or trustees shall have been appointed, as provided for in said act, and said injunction and appointment shall have continued for four months, it shall not be lawful for the stockholders or directors of said corporation, or any other person whatever, to use or exercise the franchises of such corporation, or to transact any business in their name, or by color of their charter, except such as may be necessary to collect their property and assets, and to sell the same; and distri-

Corpora-
tions not to
transact bu-
siness when
receivers are
appointed.

bute the proceeds among the creditors and stockholders of said corporation; and that, for all other purposes, the charter of said corporation, by such injunction, appointment, and continuance, shall be forfeited and void, without any further proceedings or judgment.

Approved March 25, 1852.

CHAPTER CLXIII.

Supplement to an act entitled, "An act to incorporate the town of Belvidere," passed the nineteenth day of March, eighteen hundred and forty-five.

Tax authorized to be raised.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the town of Belvidere, in the county of Warren, be, and they are hereby authorized and empowered to raise a sum not exceeding twelve hundred dollars, for the purpose of procuring a fire engine and apparatus, by a tax, to be levied upon the owners of property liable to be destroyed by fire, in proportion to the value of the property owned by each person, and the liability of the property to be destroyed.

Special election to be called to determine sum to be raised.

2. *And be it enacted*, That the town council of the said town of Belvidere be authorized to call a special election, to be held on the third Monday in April next, for the purpose of determining the sum to be raised, and also to elect three freeholders of the said town of Belvidere, as commissioners, whose duty it shall be, under oath or affirmation, to determine the amount to be paid by each person, according to the value and risk of their property; and no person shall be entitled to vote at such election, except those who shall be liable to be taxed under this act.

Collection and appropriation of tax.

3. *And be it enacted*, That the said commissioners shall proceed to determine the amount to be paid by each person, and make out a list of the same, on or before the first

day of September, and hand it over to the town collector, whose duty it shall be to collect it at the same time and in the same manner as other taxes are collected, and, when collected, to be paid over to the town treasurer, to be appropriated by the town council to the object above specified.

4. *And be it enacted*, That it shall be lawful to extend the time of raising the said sum of twelve hundred dollars to two years, and the portion to be raised each year to be determined by the voters at the election aforesaid; and if determined to raise it in two instalments, the second instalment to be valued and collected in the same manner as before provided for in this act.

Time for raising tax may be extended.

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

Approved March 25, 1852.

CHAPTER CLXIV.

A supplement to the act entitled, "An act respecting public schools in the city of Trenton," approved March sixth, one thousand eight hundred and fifty.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the city of Trenton may, at their annual ward meetings hereafter to be held, order to be raised by tax any sum of money for the support of public schools therein that they may think proper, not to exceed four thousand dollars in any one year; at such meetings, every voter may indicate upon his ticket the amount he desires to be raised; the votes shall be counted by the election officers, and the amount of money for which the largest number of votes shall be given shall be immediately thereafter certified by the ward clerks to the common council, who shall add the amount so deter-

Inhabitants authorized to raise money by tax for school purposes.

mined to the sum which they may order to be raised for other city purposes; which amount, as collected, shall be paid over by the collecting officers to the superintendent of public schools, as provided by the act to which this is a supplement.

Part of former act repealed.

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

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

Approved March 25, 1852.

CHAPTER CLXV.

AN ACT concerning a certain subscription or loan by the city of Trenton.

Special election to be held in relation to loan.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for the common council of the city of Trenton to make a loan to the Trenton Water Works Company, or to take stock on behalf of said city in said company, without first submitting the propriety of making such loan or taking such subscription to the legal voters of said city, at a special election to be called for that purpose, upon giving two weeks' notice thereof, published in two of the newspapers printed and circulated in said city, nor without a majority of the persons voting at such election shall vote in favor of such subscription or loan.

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

Approved March 25, 1852.

CHAPTER CLXVI.

AN ACT to authorize heating the state prison with steam.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the keeper of the New Jersey state prison, by and with the advice and consent, and under the direction of the acting inspectors of the same, is hereby authorized and directed to contract for the furnishing of the south wing of the prison with artificial heat by steam, and to cause the same to be so heated; and the said inspectors are hereby authorized to draw, from time to time, upon the treasurer of this state, for such sum or sums as may be necessary to defray the expenses of the same, not to exceed, in the whole, the sum of five thousand dollars; and the secretary of state shall audit the accounts of said inspectors.

Keeper authorized to contract for heating prison with steam.

Approved March 25, 1852.

CHAPTER CLXVII.

AN ACT to incorporate the Weehawken Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Cooper, Rodman M. Price, David Allerton, Francis Price, Elijah Ward, Dudley S. Gregory, Barney Bertram, David Beldam, Lorenzo W. Elder, their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of "the Weehawken Ferry Company," for the purpose of establishing a ferry between some suitable point or points in the city of New York, and a point north of Deas' Point, in the county of Hudson, with power to build boats, wharves, piers,

Names of corporators.

General powers.

bulkheads, and all other improvements necessary to carry out the objects of this corporation, with the privilege of asking and receiving such reasonable rates of toll as by the by-laws of said company may be established, such tolls not to exceed the rates now taken at the Hoboken ferry; and also to lease, purchase, and hold such real and personal estate as may be necessary for the purposes of said corporation, and sell, lease, allot, and parcel the same, or any part thereof, in such manner as the said corporation may determine, 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 April fourteenth, eighteen hundred and forty-six.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of this company shall be five hundred thousand dollars, divided into shares of fifty dollars each; and the said shares shall be deemed and considered personal estate; and it shall be lawful for said company to grant certificates of shares in full or part payment for the real or personal estate that may be purchased or leased, and, by the by-laws, to compel payments of instalments, not exceeding five dollars on each share at any one time, not deemed or declared full stock, and, on failure to pay any instalment, to forfeit the stock, and all previous payments made thereon, giving at least sixty days' notice of such call and demand in a newspaper published in the county of Hudson, and one in the city of New York.

Corporation
authorized
to establish
ferry.

3. *And be it enacted*, That it may be lawful for said corporation to establish a ferry from a point north of Deas' Point, in the county of Hudson, to the city of New York; to construct piers, wharves, bulkheads, or such other improvements as may be made thereon by said corporation, and keep up and maintain the same upon the land now covered by the water in front of the lands of said company; *provided*, the same shall not obstruct the navigation of the Hudson river; and to erect ferry houses and other buildings.

Proviso.

Commission-
ers to open
books of
subscription.

4. *And be it enacted*, That William Cooper, Rodman M. Price, David Allerton, Francis Price, Elijah Ward,

Dudley S. Gregory, Barney Bertram, David Beldam, and Lorenzo W. Elder shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first Tuesday in October, eighteen hundred and fifty-two, and until others are elected or appointed in their stead; and the above named persons are hereby authorized to open books of subscription to the capital stock of said company, at such time and place as they may think proper, by giving at least two weeks' notice thereof, in two newspapers published in the county of Hudson, in the state of New Jersey, or in one newspaper in said county, and one newspaper published in the city of New York; and when one hundred thousand dollars shall have been subscribed, it shall be lawful for said company to commence their operations, as authorized by this act.

5. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by nine directors, being shareholders, a majority of whom, together with the secretary, shall be residents of this state, and the secretary shall keep an office in the county of Hudson; the president shall be appointed from the directors, and the directors shall have power to make all needful by-laws, not inconsistent with the laws of this state or the United States.

6. *And be it enacted*, That the annual election of directors shall take place on the first Tuesday in October, eighteen hundred and fifty-two, at some convenient place in the county of Hudson, between the hours of twelve o'clock, at noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share entitled to one vote, and the vote may be by person or proxy; two weeks' previous notice shall be given in a newspaper published in the county of Hudson; and if, from any cause, an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of the charter, but a new election shall be ordered, in conformity to the by-laws of said corporation.

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president or directors for that purpose, which

Officers of
company.

Annual elec-
tion of direc-
tors.

Transfer of
stock to be
registered.

said book or books shall be closed for the purposes of transfer of stock fifteen days before each election for directors; and no person shall be allowed to vote upon any stock, unless the same has been transferred to him or her, and registered in the said transfer books more than fifteen days prior to the election at which he or she claim to vote; and all the books of said corporation shall be open to the inspection of the stockholders, except the said transfer books.

Owners of
vessels not
to use docks
without con-
sent of com-
pany.

8. *And be it enacted*, That it shall not be lawful, at any time hereafter, for any owner, captain, or other person having control of any steamboat, or other boat or vessel, to touch or to land at said docks, wharves, piers, or bulkheads of said corporation, or to receive, or to land or discharge, any passengers or freight at said docks, wharves, piers, or bulkheads, or such other improvements as may be made thereon by said corporation, unless in cases where any boat or other vessel shall be in distress, without consent first had and obtained from the said corporation.

Limitation.

9. *And be it enacted*, That this act shall continue in force thirty years, and that unless said company, within five years from the passage of this act, shall have established a ferry, and have the same in operation, so as to accommodate the inhabitants, this act shall be void.

Approved March 25, 1852.

CHAPTER CLXVIII.

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

Conveyan-
ces to be re-
corded with-
in ten years.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That when any deed or conveyance, hereafter recorded in any office in this state, shall not be recorded within ten years after the date thereof,

such record, or any copy thereof, shall not be evidence in any court or proceeding, but shall have the effect of giving notice of the contents thereof to all subsequent purchasers, in the same manner, and no other, as before the passage of this act; and the clerk or officer recording such deed left for that purpose, more than ten years after its date, shall file the original thereof in his office, and there carefully keep the same, and not suffer the same to go out of his office or possession, on any pretext whatever, except when the same may be required to be produced by process out of some competent court, in which case it shall be taken only by such clerk or his deputy, and by him returned to said office; *provided*, that no such deed shall be recorded unless first properly proved or acknowledged; and a copy of such deed, so filed, duly certified, with copies of the certificates of proof or acknowledgment by the clerk in whose office it is filed, under his hand and seal, may be recorded in any other proper office in this state, in the same manner as the original deed might have been; and such record shall be available and sufficient for notice only.

2. *And be it enacted*, That the last proviso in the first section of the act, approved the seventh day of March, eighteen hundred and fifty, entitled, "A supplement to the act entitled, an act respecting conveyances," approved April fourteenth, eighteen hundred and forty-six, be, and the same is hereby repealed; and that all deeds proved according to the provisions of that section, when recorded, shall be filed and kept as deeds recorded ten years after the date thereof are herein directed to be kept, and copies thereof may, for the purpose of notice, be recorded in like manner; and that when any copy of a deed may be offered in evidence, after notice to produce the original, as provided for in the second section of the above mentioned act, approved March seventh, eighteen hundred and fifty, the court before whom such copy is offered as evidence shall determine, according to the circumstance and situation of the parties, whether such diligent search and inquiry for the original has been made, as is required in such second section.

Proviso.

Deeds proved according to first section of act to be filed.

Approved March 25, 1852.

CHAPTER CLXIX.

AN ACT authorizing the construction of a road separate from the route of the New Jersey railroad, at and eastwardly of the Hackensack bridge, in the county of Hudson.

Preamble. WHEREAS the safety and convenience of travellers will be promoted by the construction of a road separate from the route of the New Jersey railroad, at and eastwardly of the Hackensack river, in the county of Hudson—now therefore,

Construction of road authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Newark Turnpike Company to erect and maintain a good and sufficient road eastwardly from some point in the Hackensack bridge, so that said road shall deviate from the line of the New Jersey railroad, on a route separate from the present contiguous road, and, for this purpose, the said turnpike company shall be invested with the same powers, and be subject to the same liabilities and reservations, as the said company possessed and are subject to by their act of incorporation; *provided however*, that there shall be no toll gate on such part of said road to be erected as is at present a public or common highway.

Proviso.

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

Approved March 25, 1852.

CHAPTER CLXX.

A supplement to an act entitled, "An act to incorporate the Passaic Mining and Manufacturing Company."

Company may grant certificates of shares.

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

the Passaic Mining and Manufacturing Company to grant certificates of shares in full or part payment for the real and personal estate and mining rights that may be purchased or leased by the said company.

Approved March 25, 1852.

CHAPTER CLXXI.

AN ACT for the better securing the property of married women.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the real and personal property of any female who may hereafter marry, and which she shall own at the time of marriage, and the rents, issues, and profits thereof, shall not be subject to the disposal of her husband, nor be liable for his debts, and shall continue her sole and separate property, as if she were a single female. Property of female not subject to disposal of husband.

2. *And be it enacted*, That the real and personal property, and the rents, issues, and profits thereof, of any female now married, shall not be subject to the disposal of her husband, but shall be her sole and separate property, as if she were a single female, except so far as the same may be liable for the debts of her husband, heretofore contracted, by any legal lien. Property of married woman to be her separate property.

3. *And be it enacted*, That it shall be lawful for any married female to receive, by gift, grant, devise, or bequest, and hold, to her sole and separate use as if she were a single female, real and personal property, and the rents, issues, and profits thereof, and the same shall not be subject to the disposal of her husband, nor be liable for his debts. Married woman may receive and hold property.

4. *And be it enacted*, That all contracts made between persons in contemplation of marriage, shall remain in full force after such marriage takes place. Contracts to remain in force after marriage.

Approved March 25, 1852.

CHAPTER CLXXII.

AN ACT for the relief of James Sailor.

Preamble. WHEREAS James Sailor, of the county of Gloucester, was lawfully seized, in right of his wife, Frances B. Sailor, late Frances B. Ware, of a life estate in and unto a certain tract of arable and wood land, in the township of Woolwich, in the county of Gloucester, in this state, situate on the northeast side of the public road leading from Bridgeport to Pedricktown, part of it lying on the old ferry road, said to contain about fifty-seven acres, more or less, adjoining lands of Joseph Horner, Maria West, Ann Eliza Ware, and others; and whereas the said James Sailor, with a view to secure a debt, for which his brother, Samuel Sailor, had become his security, did, on the third day of November, A. D. eighteen hundred and forty-two, convey by deed to Samuel Sailor, his brother, his life estate in the said tract of land above mentioned, with the express agreement and understanding that the said Samuel Sailor would reconvey the same to the said James Sailor, if the said debt was paid, and the said Samuel relieved therefrom; and whereas the said James Sailor did pay and satisfy the whole of said debt, and no part thereof was paid by the said Samuel Sailor, and whereas the said Samuel Sailor departed this life about the month of February, A. D. eighteen hundred and fifty, without having reconveyed the said tract of land and premises, according to said agreement and understanding, and legislative aid being required in the premises—therefore,

Administrator authorized to deliver deed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Sailor, of the county of Gloucester, administrator of Samuel Sailor, deceased, be, and he is hereby authorized to make and execute, and deliver unto James Sailor, a deed of bargain and sale for all that tract of land and premises set forth and described in the above preamble, and being the same land

and premises that were conveyed to the said Samuel Sailor, in his lifetime, by James Sailor, by deed bearing date on the third day of November, A. D. eighteen hundred and forty-two, which deed shall have the same force and effect as if the same had been made and executed by the said Samuel Sailor in his lifetime.

Approved March 25, 1852.

CHAPTER CLXXIII.

AN ACT to incorporate the Camden and Atlantic Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly* Company incorporated. of the State of New Jersey, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Camden and Atlantic Turnpike Company," and that the following named persons, Jacob L. Rowand, Samuel Richards, Jacob Leech, Samuel Norcross, Joseph Porter, John C. Shreve, Andrew K. Hay, William Moore, Philip Emmel, James Baker, William Norcross, John P. Walker, Daniel E. Estell, William Coffin, Hosea Joslin, and Richard L. Somers, or a majority of them, are hereby appointed commissioners to open the 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 one of the Camden county newspapers. Commissioners to receive subscriptions.

2. *And be it enacted,* That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to any sum not exceeding one hundred Amount of capital stock.

thousand dollars, and shall be divided into shares of twenty-five dollars each; that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct, and give public notice thereof, in the manner aforesaid; 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 instalments, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

Annual election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of thirteen directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and that when eight hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore 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, thirteen directors, for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect, by ballot, thirteen directors, a majority of whom shall be citizens of this state, and the judge of such election shall be appointed by said board; and at every such election, and in all other cases in which the stockholders shall be en-

titled to vote, a vote may be given for each share, by the holder or holders thereof, in person or by proxy; and that if eight hundred shares of said stock shall not be subscribed for within two years, and the said road completed within five years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That as soon as conveniently may Election of president. 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 be a citizen of this state, and who shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 the 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 such meeting is called.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete account of the affairs of the company during their said term. Annual statement to be made.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike or plank road, on or near the present mail route from the termination of the Haddonfield and Camden turnpike in the village of Haddonfield, in Camden county, through the villages of Longacoming, Tansboro', Blue Anchor, and Description of road.

Winslow, in said county of Camden, and the villages of Weymouth and Emmelville to Hamilton Bridge in Atlantic county, not more than four rods wide, thirty-two feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, 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 four 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-two 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 upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, sand, or clay, for constructing and keeping up said road, as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as the said company shall construct the said turnpike or plank road aforesaid, they shall pay to the respective owners of the lands over which the same may pass all damages which the said owners will sustain by reason of the construction of the said turnpike or plank road; and in case the said company and said 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 herein after provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone, gravel, or other materials, from his or her lands, for the construction or maintaining of said turnpike or plank road.

Proviso.

Proceedings
in case owners
of land and
company cannot
agree.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of

burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom, suitable for constructing and maintaining said road as aforesaid; *pro-Provido.* *vided always,* that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the counties of Camden or Atlantic, in whichsoever the lands in dispute may be located, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerks of the said counties of Camden or Atlantic, as the case may be, to be

Parties ag-
grieved may
appeal.

by him or them filed as a public record, and certified 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 circuit court of the county in which said lands lie, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury 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 sum so awarded, or execution may issue therefor, as the court may direct, and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners; all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper cost and

charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company ^{Rates of toll.} shall have constructed ten miles of the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile (so far as completed) of the said road, not exceeding the following rates, to wit :

For every carriage, sleigh, or sled, drawn by one beast, one cent.

And if drawn by two, two cents per mile.

For every additional beast, five mills.

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 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 shall have paid the toll, as above specified ; *pro-* ^{Proviso.} *vided*, 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 to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any person passing to or from his farm and any marl bed for the purpose of hauling marl for use on his farm, where the distance shall not exceed three miles on said road, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike or plank road, ^{Mile stones or posts to be erected.} they shall cause mile stones or posts to be erected and

maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Haddonfield or Hamilton Bridge; 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.

10. *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, for the information of the people travelling 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 ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than 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.

12. *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 the said highway, in the passing directions, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road, and bridges which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the counties of Camden or Atlantic, in which said road lies, 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 the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so complained of, and 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 turnpike road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same 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 travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the 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 ma-

Proceedings
in case road
and bridges
are not kept
in repair.

majority of them, on application from said company, again to view the said turnpike road or bridge, 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 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 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 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 persons in the township or townships, who may be disinterested, to serve in the place and stead of any member or number of members of the township committee so disqualified.

Road may be made free.

14. *And be it enacted*, That when the board of chosen freeholders of the counties of Camden and Atlantic, or either of them, shall desire so to do, they may, by paying to the stockholders the original cost of constructing and improving said turnpike road as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the land on which the said turnpike road passes, or from whence the materials for its construction may be taken.

Statement of cost to be filed.

15. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the offices of the clerks of the respective counties of Camden and Atlantic, a full and perfect statement of the cost of the construction of said road.

When act to take effect.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law.

Limitations and restrictions.

17. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

18. *And be it enacted*, That in case the amount of stock required by the third section of this act shall not be subscribed within three years after the commissioners shall have opened the subscription books to receive subscriptions to the capital stock, as required by the first section of this act, then it shall be lawful for said commissioners, after due notice given, as required by said first section, to open said books for subscription to said stock to make said turnpike road from Haddonfield to Longacoming and Winslow, or either of said places; and the said stockholders shall be, and they are hereby entitled to all the privileges conferred by this act.

Commissioners may re-open books, if stock not taken in three years.

Approved March 25, 1852.

CHAPTER CLXXIV.

AN ACT to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water.

WHEREAS, by an act of the legislature, passed eighteenth March, eighteen hundred and fifty-one, certain commissioners were appointed "to examine and consider all matters relative to supplying Hoboken, Van Vorst, and Jersey City with a sufficient quantity of pure and wholesome water, for the use of their inhabitants, and the amount of money necessary to effect that object," and the said commissioners having performed the duties assigned to them, and made a report of their examinations, together with an opinion, founded upon careful surveys and estimates made by experienced engineers, that a sufficient quantity of pure and wholesome water for the use

Preamble.

of the inhabitants of Jersey City, and parts of the townships of Bergen, North Bergen, and Hoboken, may be obtained at such reasonable cost as will render the acquisition thereof advantageous; and the mayor and common council of Jersey City, and sundry others interested therein, having petitioned for the passage of an act to authorize the construction of works for that purpose—therefore,

Mayor and common council authorized to convey water through city.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of Jersey City be, and are hereby authorized, in the manner herein after provided, to take and convey into and through Jersey City, and such other places adjacent thereto as may desire the same, such portion of the water of Passaic river, flowing between the villages of Acquackanonck and Belleville, as may be required to furnish the inhabitants of the said city, and others residing adjacent thereto, with a sufficient quantity of pure and wholesome water for domestic and other uses.

Commissioners to employ agents and assistants.

2. *And be it enacted*, That all authority granted or given by this act shall be exercised exclusively by and through a board of commissioners, to be appointed as herein after directed; and, in pursuance of this authority, the said commissioners may employ all proper engineers, surveyors, clerks, and other agents and assistants, necessary or convenient for accomplishing the purpose contemplated by this act, and may enter upon any land or water for the purpose of making surveys and examinations for the same.

Commissioners may take and hold lands, &c.

3. *And be it enacted*, That the said commissioners shall, for and in the name of the mayor and common council of Jersey City, take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through the said places, or to secure and maintain any portion of the works, and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act; and may distribute the water throughout the corporate limits of Jersey City, and through

such portions of the townships of Bergen, North Bergen, Hoboken, and other places, as the inhabitants thereof may desire.

4. *And be it enacted*, That in case of any disagreement between the commissioners and the owner of any lands or water rights, which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or insane, or shall be absent from this state, the circuit court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons to examine such property, and estimate the value thereof or damage sustained thereby; and who shall, after reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed, without delay, to make their report thereon, and deliver the same to the court, at the next session thereof, which shall be held in the said county.

Proceedings in case owners of land and commissioners cannot agree.

5. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the commissioners shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required or for the damage sustained, as the case may be; and thereupon the mayor and common council of Jersey City shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damage suffered.

Claims for damages to be made within three years.

6. *And be it enacted*, That the commissioners, in behalf of the mayor and common council of Jersey City, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley, or court within this state, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley, or court to be restored to its original state, and all damages done thereto

Company may use ground or soil.

to be repaired ; and all damages to any company by any interruption of travel while the work is constructing, to be paid unto them.

Contracts to be made in writing.

7. *And be it enacted*, That all contracts for materials, or for the construction of the work, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number, and endorsed with the name of the contractor and a summary of the work to be done or materials furnished ; one of such copies shall be deposited with the comptroller of Jersey City, or such other officer as the common council may direct, and one shall be retained by the commissioners.

Notice to be given of time for receiving proposals.

8. *And be it enacted*, That public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts, by publishing the same in all the newspapers published in the county of Hudson, and in one or more newspapers published in the city of New York, for at least twenty days ; and all proposals for contracts shall be for a sum certain, as to the price to be paid or received ; and no proposition, which is not thus definite and certain, or which contains any alternative, condition, or limitation, as to price, shall be received or acted upon ; nor shall more than one proposition be received from any one person for the same contract, directly or indirectly ; and all the propositions of any person offering more than one shall be rejected ; and every person or persons proposing, as aforesaid, shall accompany such proposition with a bond, to be approved by the commissioners, conditioned to faithfully carry into effect his or their proposition, if accepted.

Contractors to give security.

9. *And be it enacted*, That every person who shall enter into any contract with the commissioners for the supply of materials or the performance of any work or labor, shall give satisfactory security for the faithful performance of his contract, according to its terms ; and no commissioner shall be interested, directly or indirectly, in any contract relating to said work.

Materials procured to be exempt from execution.

10. *And be it enacted*, That all materials procured, or partially procured, under contract with the commissioners shall be exempt from execution ; but it shall be the duty

of the commissioners to pay the moneys due to such contractor for such materials to the judgment creditor of the contractor, under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held as valid payment on the contract.

11. *And be it enacted*, That, for the purpose of defray-^{Notes or scrip may be issued.}ing all the expenses and the cost of such lands as shall be taken or purchased for the purposes of this act, and for constructing all works necessary to the full accomplishment thereof, and all expenses incidental thereto, and for the payment of necessary expenses incurred in making the examinations directed by the act approved the eighteenth day of March, eighteen hundred and fifty-one, the said board of commissioners shall have authority to issue, in the name of the said mayor and common council of Jersey City, notes or scrip, or certificates of debt, to be denominated on the face "Jersey City water scrip," to amount, in the whole, not exceeding six hundred thousand dollars, bearing an interest not exceeding six per cent. per annum; and said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than fifteen, or more than fifty years from date; and the commissioners may sell the same at public or at private sale, at such times as the proceeds thereof may be required for the construction of the works, or may pledge the same for money borrowed at a higher rate of interest, if, in their opinion, the necessities of the work required such proceeding; and, in addition to the said sum of six hundred thousand dollars, the commissioners may issue and dispose of scrip, in the manner herein before provided, to meet all payments of interest accruing upon any scrip by them issued as aforesaid; *provided however*, that no such scrip shall be issued by the ^{Proviso.} commissioners after the expiration of one year from the time that the works are so far completed as to furnish one million gallons of water per day; and the payment of all interest accruing after that time, beyond the amount which may be paid from the rents received for the use of the water, shall be provided for and paid by the mayor and common council of Jersey City, who are hereby authorized

and required to raise and assess for that purpose, by tax, such amount as may be necessary above the other taxes authorized by law; *and provided also*, that no notes or scrip, or certificates of debt, shall be sold at public or private sale for less than the par value thereof, nor shall any higher rate of interest be paid for any sum of money borrowed on a pledge of said scrip than at the rate of seven per cent. per annum; *and provided further*, that the work authorized or contemplated by this act shall not be commenced by the said commissioners until at least one half of the whole amount of money required for the said work shall be first had or secured; all certificates issued as aforesaid shall be signed by the commissioners, or a majority of them, and countersigned by the mayor of Jersey City; and a record of all certificates issued or disposed of shall be kept by the commissioners, and copies of such record shall be made and delivered to the treasurer of Jersey City; all moneys received by the commissioners, shall be deposited by them in some bank or banks of good credit in the state of New Jersey or in the city of New York, and be made payable to the joint order of the president and at least two other members of the board only.

Books of accounts to be kept.

12. *And be it enacted*, That the commissioners shall keep regular books of accounts and books for recording the whole of their official proceedings; and the said commissioners, and the clerks employed in their service, shall be sworn to the faithful performance of their duties; and all such books shall be open to the examination of any person or persons appointed for that purpose by the mayor and common council of Jersey City; the commissioners shall also, on the first Tuesday in January, and the first Tuesday in July, of every year, make a report to the said mayor and common council of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

Commissioners to regulate distribution of water.

13. *And be it enacted*, That the board of commissioners for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and, from time to time, shall fix the price for the use thereof and the times of payment;

and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used, all which they may change at their discretion; *provided*, that all hydrants, conduits, or other appliances, required and furnished for the purpose of extinguishment of fires, shall be placed as the mayor and common council of Jersey City shall direct, and shall be under their exclusive control and direction. Proviso.

14. *And be it enacted*, That the owner and occupier of any house, tenement, or lot, shall each be liable for the payment of the price or rent fixed by the commissioners for the use of the water by such occupier, and such price or rent, so fixed, shall be a lien upon said house, tenement, or lot, in the same way and manner as other taxes assessed on real estate in Jersey city are liens, and shall be collected in like manner, if not previously paid to the commissioners.

15. *And be it enacted*, That the said commissioners shall make no contract for the price of using the water for a longer term than three years; and, at the expiration of any term or lease, the price for the use thereof shall be adjusted according to the regulations then established. Contracts for use of water.

16. *And be it enacted*, That it shall be the duty of the said commissioners to fix the price which shall be assessed upon each house or other building, and upon vacant lots, situated upon streets, lanes, alleys, or courts, that have been actually opened, or parts thereof, through or into which distributing pipes may be laid, and such prices shall be fixed with reference to ultimately paying, from the proceeds thereof, the interest and principal of the "Jersey City water scrip" aforesaid; and the net proceeds of the water rents, after paying all expenses for maintaining the works and distributing the water, and salaries, wages, and incidental charges, shall be applied, first to the payment of the interest upon the debt created for constructing the works, and next to the purchase of the scrip issued therefor, if the same can be obtained at reasonable prices, or if that cannot be effected, then to be safely invested and al- Proceeds of assessments and water rents, how disposed of.

lowed to remain as a sinking fund, to be applied to the redemption of the scrip, at its maturity.

Assessment
for payment
of interest on
water scrip.

17. *And be it enacted*, That when the said commissioners shall certify to the mayor and common council of Jersey City that the works contemplated by this act are so far completed that the inhabitants thereof may be regularly supplied with a sufficient quantity of pure and wholesome water for domestic use, then the mayor and common council of Jersey City shall instruct the assessors of the said city to assess, annually, upon all grounds within their limits which are liable to taxation, a special tax, at the rate of two cents for each one hundred square feet of their surface; and the said special tax shall be a lien upon the lands so taxed, in the same manner as other taxes assessed on real estate in Jersey City are liens, and shall be collected in like manner, which amount shall be collected and applied to the payment of interest upon the water scrip, until the water rents, authorized to be collected by this act, shall amount to a sum sufficient to pay such interest as it accrues, after which the tax shall cease to be levied.

Disposition
of income
when scrip is
paid.

18. *And be it enacted*, That when the scrip shall all be paid and cancelled, so much of the income derived from the works, as may be necessary therefor, shall be applied, by the commissioners, to the payment of salaries, wages, the cost of repairs, and other current expenses required for keeping the whole in good order and successful operation, and making such additions thereto as the wants of the citizens may require; and all moneys remaining after making the payments necessary for the purposes above mentioned, shall be paid, on the first Tuesday of each and every month, to the treasurer of Jersey City; and such payments shall be accompanied by written statements showing the whole amount of money received during the preceding month, specifying from whom and for what the same was received, and also an account of all moneys paid during the month, specifying to whom and for what they were paid, which statement shall be verified by the affidavit of the clerk of the board of commissioners.

City liable
for payment
of interest
and principal.

19. *And be it enacted*, That a majority of the said commissioners shall constitute a quorum for the transaction of

any business allowed or required by the powers or duties of their commission; and all contracts and engagements, acts and doings, of the said commissioners, within the scope of their duty or authority, shall be obligatory upon, and be in law considered as done by the mayor and common council of Jersey City; and the said mayor and common council, and all real estate within Jersey City, and all goods and chattels within said city, belonging to residents thereof, shall be liable for the payment of the principal and interest that may become due on the scrip or bonds to be issued by virtue of this act.

20. *And be it enacted*, That the said commissioners may prosecute or defend any action or process at law or in equity by the name of the "Water Commissioners of Jersey City," against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury or trespass, or nuisance done or suffered to the water, watercourses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling any vacancy in the board of commissioners, either before or after any cause of action arises or suit is commenced, shall not change the right of said commissioners, as a body, to commence or maintain such action or process at law or in equity, but in all such cases they shall be considered, from the time of the organization of the board, as a corporation.

21. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing the water, such person or persons, and their aiders and abettors, shall forfeit to the said commissioners, to be recovered in an action of trespass, triple the amount of damages which shall appear on trial to have been sustained; and all such acts are

Commissioners may prosecute and defend suits.

Penalty for injuring works.

hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine, not exceeding one thousand dollars, or by imprisonment, not exceeding one year, or both, at the discretion of the court.

Sewers in
Jersey City
and Hobo-
ken.

22. *And be it enacted*, That the said commissioners shall also cause such surveys and examinations to be made as may be necessary to enable them to decide upon and recommend a suitable plan for a general system of sewers for the whole district proposed to be supplied with water, and adapted for draining streets, houses, yards, markets, and all other places requiring to be drained, and shall estimate the probable cost of such sewers; and after such plan and estimates are made, copies thereof shall be furnished to the town committee of the township of Hoboken, and to the mayor and common council of Jersey City, for their consideration and approval; and if said plan shall be approved, no sewer shall thereafter be constructed, either in Hoboken or Jersey City, except in conformity with the said plan, and under the superintendence of the said commissioners and their engineer or inspector; but the cost of such sewers shall be assessed and collected in the same manner and by the same authority as the cost of sewers in those places has heretofore been assessed and collected, or in such other way as the legislature may hereafter direct.

23. *And be it enacted*, That any lands or real estate in the county of Hudson, taken, held, or occupied or used for the Jersey City water works, or any of the purposes thereof, shall be assessed and taxed in the said county, in the manner prescribed by law, at the value of the land, exclusive of any pipes, buildings, machinery, or works of any kind placed thereon; and the whole of the said works, exclusive of the land, shall be exempted from taxation.

First board
of water
commission-
ers.

24. *And be it enacted*, That John D. Ward, Dudley S. Gregory, Moses B. Bramhall, the president of the board of aldermen of Jersey City for the time being, and one person to be elected at the next charter election held in Jersey City, shall constitute the first board of water commissioners; the said commissioners shall elect, annually, one of their number to be president of the board, and shall determine, by lot or otherwise, the terms during which the

four of the number, other than the president of the board of aldermen, shall hold their offices, and these shall be as follows : one of them shall remain in office three years, one four years, one five years, and one six years, all to be computed from the first day of May next ensuing ; and the president of the board of aldermen for the time being shall, ex officio, be one of said board.

25. *And be it enacted*, That; at the charter election to be held in said city in the year eighteen hundred and fifty-five, and every year thereafter, there shall be elected one commissioner, who shall hold his office for four years next ensuing such election; and any vacancies that shall occur in said commission, by death, resignation, or otherwise, shall be filled by the common council of Jersey City, but the person or persons so appointed to fill such vacancy shall hold his or their offices only for the residue of the term for which they may be appointed; and each of said commissioners, except the president of the board of aldermen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall give a bond of twenty thousand dollars, with two good and sufficient sureties, to the mayor and common council of Jersey City, and to be approved by said mayor and common council, for the faithful performance of their duties as such commissioners. Commissioner to give bond.

26. *And be it enacted*, That the said commissioners shall be entitled to take and receive, out of any moneys raised and appropriated for the construction of the Jersey City water works, such sum as the mayor and common council of Jersey City shall annually fix in full for their services, and shall also be repaid all reasonable travelling expenses incurred while employed upon the works; and they shall, at their first meeting after the organization of the board, fix and determine the proportions in which the said sum shall be paid to the several members thereof, and may, at their discretion, annually change such apportionment. Compensation to commissioners.

27. *And be it enacted*, That the mayor and common council of Jersey City shall at any time remove any commissioner ; *provided*, it shall satisfactorily appear, after rea- Commissioners may be removed.

sonable notice to the parties, and hearing the causes of complaint, and answers thereto, if any shall be offered, that the commissioner whose removal is sought has been guilty of such maladministration, or such neglect of the duties of his office, that his removal will be right and proper, and two-thirds of all the members elected to the said common council shall concur in such removal.

Public act.

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

Approved March 25, 1852.

CHAPTER CLXXV.

A further supplement to the act entitled, "An act to prevent, in certain cases, the abatement of suits and reversal of judgments."

Construc-
tion of for-
mer act.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "A supplement to the act entitled, an act to prevent, in certain cases, the abatement of suits and reversal of judgments," approved the seventh of March, one thousand eight hundred and fifty, shall not be deemed, taken, or construed to extend to any action brought more than twenty years prior to the passing of the said act, nor to cases where the heirs or devisees of the deceased defendant shall have sold the said lands to a bona fide purchaser previous to the passage of the said act.

Approved March 25, 1852.

CHAPTER CLXXVI.

A supplement to the act entitled, "An act to incorporate the Camden and Philadelphia Steamboat Ferry Company," approved February twenty-third, one thousand eight hundred and forty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act entitled, "An act to incorporate the Camden and Philadelphia Steamboat Ferry Company," approved February twenty-third, one thousand eight hundred and forty-eight, be hereafter known and called by the name of "the Union Steamboat Ferry Company." Corporate name changed.

2. *And be it enacted*, That the said corporation be, and it is hereby authorized to increase the capital stock thereof to any sum not exceeding four hundred thousand dollars, and shall have power to erect steamboat ferries between the cities of Camden and Philadelphia, at any point or points they may select, and purchase or lease for that purpose. Capital stock may be increased.

3. *And be it enacted*, That so much of the sixth section of the act, to which this is a supplement, as requires the said corporation to allow all persons who desire it, to pay quarterly in advance, be, and the same is hereby repealed. Part of former act repealed.

Approved March 25, 1852.

CHAPTER CLXXVII.

A further supplement to the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, A. D. one thousand eight hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of Common council authorized to pave gutters.

New Jersey State Library

said city shall have authority to cause the gutters of any street, or any part of a street, to be properly paved, and, when necessary, repaved, and to have the expense thereof assessed on the owners of property in front of which such gutters may be so paved; and the affidavit of said expense, by the person or persons appointed to have said work done, filed with the clerk of said city, shall fix and determine the amount thereof; and the said expense shall be a lien on each lot against which it may be assessed, for the proportion of said lot, and the same may be collected in the same manner in which the expense of paving sidewalks is now by law authorized to be collected in said city.

Sewers may
be construct-
ed.

2. *And be it enacted*, That the said common council shall have authority to cause to be constructed proper sewers for the drainage of said city, and to have the expense thereof assessed on the owners of property drained thereby; and the affidavit of said expense, by the person or persons appointed to have said work done, filed with the clerk of said city, shall fix and determine the amount thereof; and said expense shall be a lien on each lot against which it may be assessed, for the proportion of said lot, and the same may be collected in the same manner in which the expense of paving sidewalks is by law now authorized to be collected.

Assessments
not invali-
dated by
misnomer.

3. *And be it enacted*, That, in making assessments by virtue of this act, no mistake, misnomer, or omission of the name or names of the owner or owners of any of the lots shall be sufficient to invalidate such assessment; *provided*, the premises assessed be sufficiently identified.

Complaints
for breach
of ordinan-
ces.

4. *And be it enacted*, That whenever complaint is made to the mayor, recorder, or either of the aldermen of said city, of the violation of any ordinance of the common council, whereby the offender or offenders have become subject to a penalty or penalties, it shall be the duty of said magistrates forthwith to send a written notice to the person or persons complained of, that at a certain time and place he will proceed to investigate the charge, and at such time and place, if, upon investigation, the said charge shall, in the judgment of said magistrate, be sustained, he shall issue his warrant for the collection of said

penalty or penalties, as is now provided by the act incorporating said city of Trenton.

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

Approved March 25, 1852.

CHAPTER CLXXVIII.

AN ACT to incorporate the Bridgeton and Deerfield Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Bridgeton and Deerfield Turnpike Company;" and the following named persons, Jacob W. Ludlam, David Padgett, Almarien Woodruff, Matthew Tomlin, Aaron Padgett, Joel Moore, David P. Elmer, Samuel R. Riley, Jeremiah J. Hitchner, David S. Finley, and Elijah D. Riley, jun., or a majority of them, are hereby appointed commissioners to open the 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 one of the Cumberland county newspapers.

Company incorporated.

Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with the privilege of extending it to any sum not exceeding twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; that, at the time of subscribing to said stock, the sum of two dollars shall be paid upon each share subscribed for, to the said commissioners, or

Amount of capital stock.

any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in manner aforesaid; 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 instalment, or any of them, to and for the use of said company; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

Annual 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 two hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore 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 for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, 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 said board; 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, in person or by proxy; and that if two hundred shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act

shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That as 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 be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 the 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 such meeting is called.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete account of the affairs of the company during their said term.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, on or near the present mail route from Bridgeton to the village of Deerfield, not more than four rods wide, thirty-two feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and 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 construct, keep

Election of
president.

Annual state-
ment to be
made.

Description
of road.

in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty-two 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 upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands to search for stone, gravel, sand, or clay for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that as soon as 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 will sustain by reason of the construction of the said turnpike road; and in case the said company and said 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 herein after provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking of stone or gravel, or other materials, from his or her lands for the construction or maintaining of said turnpike road.

Proviso.

Proceedings
in case com-
pany and
owners can-
not agree.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers, and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damages thereunto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or

Proviso.

workmen, before the said company, or any person in their employ, shall enter or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Cumberland, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Cumberland, to be by him filed as a public record, and certified copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, Parties aggrieved may appeal. the party so aggrieved may appeal to the circuit court of the said county, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with at least five days' notice in writing to the opposite party of such appeal, which appeal shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of said jury to assess the value of said materials and all damages sustained, and for that purpose to

view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners award, then the cost shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with cost, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners, all which proceedings, as well under this, as the sixteenth section of this act, shall be at the proper cost and charges of the said company, except in cases of appeal, as above provided.

Rates of toll.

8. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, one cent.

And if drawn by two, two cents per mile.

For every additional beast, five mills.

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 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 shall have paid the toll, as above specified; *provided*, that Proviso. 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 to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

9. *And be it enacted*, That before the said company Mile stones or posts to be erected. shall receive toll for travelling on said turnpike road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance said stone or post is from Bridgeton or Deerfield; and shall cause to be fixed, and always kept up at the gates or turnpikes afore-said, 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."

10. *And be it enacted*, That if any person shall wilfully Penalty for injuring works. break, throw down, or deface any of the mile stones or posts, so erected on the said road, for the information of the people travelling 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 cost of suit; and if any person, with his carriage, team,

or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller 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 cost of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
obstructing
passage.

12. *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 the said highway, in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings
in case road
and bridges
are not kept
in repair.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the 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 complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said turnpike 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 ex-

amine said turnpike road or bridge so complained of, and report to 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 turnpike road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the gate or turnpikes to keep open the same 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 travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with cost 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 from said company, again to view the said turnpike road or bridge, 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 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 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 persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

14. *And be it enacted*, That when the board of chosen freeholders of the county of Cumberland shall desire so to do, they may, by paying to the stockholders the original cost of constructing said turnpike road, as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the land on which

Road may
be made free

the said turnpike road passes, or from whence the materials for its construction may be taken.

Statement
of cost to
be filed.

15. *And be it enacted*, That before the company, hereby incorporated, shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Cumberland, a full and perfect statement of the cost of construction of said road.

When act to
take effect.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law.

Limitations
and restric-
tions.

17. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 25, 1852.

CHAPTER CLXXIX.

A supplement to the act entitled, "An act to incorporate the city of Paterson."

Preamble.

WHEREAS the board of chosen freeholders of the county of Passaic, in the year eighteen hundred and fifty-one, purchased a house and farm near Pompton, for the purpose of establishing a county poorhouse, and have subsequently abandoned the project, and resolved to sell the said house and farm—

Citizens of
Paterson not
liable to pay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the city of Paterson shall not be liable to contribute or pay any sum of money, whatever, for or on account of any pur-

chase or agreement which may hereafter be made by the said board of chosen freeholders for the support of the poor in said county; and that the president and council of the said city of Paterson are hereby authorized to purchase a farm, or tract of land, not exceeding fifty acres in amount, and thereon to erect, if necessary, a building or buildings, and there to keep, maintain, and employ all and every poor person and persons of said city needing relief, and to take the benefit of the work, labor, and services of every such poor person who shall be there kept and maintained; *provided however*, that the cost of such tract of land and buildings shall not exceed the sum of ten thousand dollars, to be raised by loan.

President and council authorized to purchase land.

Proviso.

2. *And be it enacted*, That the president and council of the city of Paterson be, and they are hereby authorized to make all ordinances and by-laws necessary for the establishment, maintenance, and regulation of such poorhouse and farm, and for the government and management of the poor of said city kept and maintained in such poorhouse, and for the granting relief to the poor of said city; *provided*, such ordinances and by-laws be not inconsistent with the constitution and laws of this state; and also to appoint such officers and hire such servants, and to make such regulations respecting the same, as they shall deem necessary or convenient.

By-laws for regulation of poorhouse.

Proviso.

3. *And be it enacted*, That the overseer of the poor of said city, by and with the advice and consent of the president and council of said city, shall exercise all the powers and perform all the duties which are granted to and imposed upon the overseers of the poor and justices of the peace, in regard to the binding out and protection of poor children, by the twelfth section of an act entitled, "An act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six.

Overseers of poor to bind out children.

4. *And be it enacted*, That the collectors of taxes, hereafter elected in said city, shall severally, within ten days after the time appointed by law for delivering to a justice of the peace a list of the names of delinquents, deliver unto the clerk of said city a true copy, under oath, of the duplicates of the assessment delivered to them by the assessors

Collectors of taxes to return duplicates.

of the wards of said city respectively, for which service they shall each receive the sum of three dollars, which duplicates shall be and remain the property of said city, and be preserved by the city clerk; and if any such collector shall neglect or refuse to comply herewith, he shall forfeit and pay to such city the sum of fifty dollars, to be sued for and recovered, for the use of said city, with costs, before any police justice of said city.

Survey of
streets to be
made, and
map filed.

5. *And be it enacted*, That the president and council of the city of Paterson be authorized to take up and vacate any of the streets or highways of said city, and to relay the same, and for that purpose it is hereby made the duty of the said president and council to cause a survey of the streets of said city to be made, and to erect, at suitable places in each street, permanent monuments of such survey, and to cause a map of such survey to be made, which map, or a copy thereof, with a return describing said survey and map, with its courses, distances, and monuments, shall be recorded in the office of the clerk of the county of Passaic, in the book of records of highways, which return, or a duly certified copy thereof, shall be the evidence of the location of the streets so surveyed and returned; and when any such street or highway shall be so taken up, vacated, and relaid, the same shall not be again taken up, vacated, or relaid by said president and council, except by the request of the owners of two-thirds of the property fronting on both sides of such street.

Streets to be
opened, and
encroach-
ments re-
moved.

6. *And be it enacted*, That the said president and council be authorized to open, to their full width and extent, each and every street so ascertained and defined, and to remove, or cause to be removed, all encroachments, except dwelling houses or other permanent buildings, upon the same; *provided however*, that this act shall have no bearing or effect upon any suit or proceeding, either civil or criminal, now depending respecting encroachments upon any street or streets in said city.

Proviso.

No building
to erected
except on
line of street.

7. *And be it enacted*, That when any dwelling house, or other building or erection, now existing on any lot in said city, shall be removed, taken down, or in any wise destroyed, it shall not be lawful for any person whatever to re-

build or erect any dwelling house or other building or erection on such lot, except in conformity with the line of the street defined by such survey, monuments, and relayings.

8. *And be it enacted*, That in all suits hereafter brought by the president and council of said city, before any justice of the peace or police justice, where the fine or penalty shall exceed three dollars, or when the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for the trial of small causes, and also an appeal, as in cases where an appeal may now be had from judgments in courts for the trial of small causes; *provided*, that in all cases an appeal may be made to the president and council for a remission of any penalty that may be inflicted or adjudged. Trials may
be by jury.

Proviso.

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

Approved March 25, 1852.

CHAPTER CLXXX.

AN ACT to authorize the trustees of the school fund to sell the lands belonging to the state at or near the city of Paterson.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of the school fund be, and they are hereby authorized and directed to sell all the lands belonging to the state, at or near the city of Paterson, either at public or private sale, for the best price that can be obtained for the same, and that the attorney general shall execute and deliver proper deeds for the same on behalf of the state; and that the proceeds of such sale shall be paid to the trustees of the school fund, to be invested for the benefit of said fund. Trustees au-
thorized to
sell lands.

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

Approved March 25, 1852.

CHAPTER CLXXXI.

A supplement to the act entitled, "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and the laws of the United States," approved April sixteenth, eighteen hundred and forty-six.

Members to
be furnished
with bound
copies of
laws, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That each member of the present, and every succeeding legislature, shall be furnished by the treasurer of this state with one copy of the laws passed at their respective sessions, together with one copy, each, of the proceedings of the house of assembly, the journals of the senate, and minutes of joint meeting, the same to be plainly and substantially bound, and transmitted to each member, as aforesaid, by said treasurer, at the expense of the state, at the time of distribution of the said laws, proceedings, and journals, as provided for in the ninth section of the act to which this is a supplement.

Part of former
act repealed.

2. *And be it enacted*, That so much of the tenth section of the act to which this is a supplement, as requires the county collectors to transmit to the representatives of the counties, each, one set of the laws and proceedings aforesaid, be, and the same is hereby repealed.

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

Approved March 25, 1852.

CHAPTER CLXXXII.

Supplement to an act entitled, "An act to incorporate the Trenton Iron Company," approved February sixteenth, Anno Domini one thousand eight hundred and forty-seven.

Capital stock
increased.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the Trenton Iron Com-

pany are hereby authorized and empowered to increase their capital stock to one million of dollars, on the same conditions and subject to the same restrictions as are provided in the act, to which this is a supplement, and that so much of the said act as confines the mills and manufactories of the said company to the borough of South Trenton, and county of Mercer, be, and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately, and that the legislature may, at any time hereafter, alter, amend, or repeal the same. Act may be altered or repealed.

Approved March 25, 1852.

CHAPTER CLXXXIII.

A supplement to the act entitled, "An act against usury," approved April tenth, eighteen hundred and forty-six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That upon all contracts hereafter made in the city of Jersey City, and in the township of Hoboken, in the county of Hudson, in this state, 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 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, any thing contained in the act to which this is a supplement to the contrary notwithstanding; *provided*, such contract be made by and between persons actually located in either said city or township, or by persons not residing in this state. Interest at the rate of seven per cent. authorized.

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

Approved March 25, 1852.

CHAPTER CLXXXIV.

AN ACT to incorporate the Mount Holly and Moorestown 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 Mount Holly and Moorestown Turnpike Company shall be opened by James S. Hulme, Jonathan J. Spencer, Peter V. Coppuck, Barclay Haines, Clayton Lippincott, Thomas B. Evans, Joseph Hollingshead, Henry C. Warrick, William Collins, Joseph Davis, Allen Fenimore, Charles H. Hollingshead, and John Beatty, 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 thereof, 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 thirty thousand dollars, with liberty for the said company to increase the same to fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when six 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 Mount Holly and Moorestown 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.

Style of incorporation.

Payments of instalments.

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

ors 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 instalments, or any of them, to and for the use of said company; *provided*, that if the number of the shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments. Proviso.

4. *And be it enacted*, That if the number of shares, herein before 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. Stock to be subscribed for in three years, or act void.

5. *And be it enacted*, That when six 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 herein before 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, 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 Annual election of directors.

Proviso. vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Election of president.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citizen of this state and resident in the county of Burlington, 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.

Duties and powers of directors.

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

Proviso.

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

9. *And be it enacted,* That special meetings of the stockholders may be called by the 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 herein before 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 meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors. Special meetings.

10. *And be it enacted,* That if, from any cause, any election herein before 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. Charter not avoided for failure to elect on day prescribed.

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 junction of the Moorestown road and the Lumberton road, at the westerly end of the town of Mount Holly, in the county of Burlington, to the junction of the Evesham road and Mount Holly road, at the eastwardly end of the village of Moorestown, in said county, which turnpike road shall be constructed on and along one of the public highways leading from the said town of Mount Holly to the said village of Moorestown, by way of Hainesport, 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 it shall be lawful for the said company, by their officers, agents, Route of road.

Proviso.

or other persons in their employ, to enter from time to time, and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid, along either of said highways aforesaid, they shall pay to the respective owners of the lands over which the said highway selected for constructing said turnpike road 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 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 herein after provided for for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands, for the constructing or maintaining of said turnpike road.

Description
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 four degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than twenty feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to 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
in case owners
of land
and company
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 draft, 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 such lands necessary for properly draining said road, and to take and carry away stone, 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 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 Burlington, 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 commissioners, herein after 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 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 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 Burlington, 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 or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and 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 justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll. 14. *And be it enacted,* That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding three in number, and to demand and receive toll for travelling each mile, and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one ^{beast,}
one cent.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep, or hogs, 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 shall have paid the toll, as above specified; *pro-* Proviso.
vided, 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 to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause Mile stones or posts to be erected. 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 Mount Holly; and shall cause to be fixed, and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs."

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

Penalty for
illegal tolls.

17. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates and turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
obstructing
passage.

18. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of 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 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.

Proceedings
in case road
or 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 Burlington, who may be disinterested, the said justice shall immediately appoint, by writing un-

der his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such 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, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same 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 travellers, 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 from 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 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 the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be dis-

interested, to serve in the place and stead of any member or members of the township committee so disqualified.

When act to
take effect.

20. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law ; and if the said road is not commenced within two, and completed within five years from the passage of this act, that 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, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 25, 1852.

CHAPTER CLXXXV.

AN ACT to change the name of R. Willis Baker, of the county of Warren.

Name of R.
Willis Baker
changed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of R. Willis Baker, of Hackettstown, Warren county, be, and the same is hereby changed to R. Willis Knickerbocker ; and that the said R. Willis be, and the same is hereby invested with all powers, rights, and privileges which he would have inherited and possessed had his father retained his own pristine name, Knickerbocker, and continued to be known and called by the same.

Approved March 25, 1852.

CHAPTER CLXXXVI.

AN ACT to incorporate the Cumberland Nail and Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators. of the State of New Jersey, That David Reeves, Samuel J. Reeves, Robert S. Buck, Robert C. Nichols, and Daniel M. Woodruff, 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 declared a body corporate and politic, in fact and in name, by the name of "the Cumberland Nail and Iron Company," for the purpose of manufacturing nails and iron, in all its branches, in the county of Cumberland, and carrying on the business incident to such manufacture.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted Election of directors. by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year from the first Tuesday of July in every year; and that the said directors shall be chosen on the last Tuesday of June in every year, at such time and place as shall be directed by the by-laws of the said company; 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 nearest the place where such election shall be made, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and these elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of the said company, and the persons having the greatest number of votes, being stockholders, shall be directors; and if it should 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 five shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders, herein before 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 five; and the said directors, so chosen, shall elect one out of their number to be president, and shall also appoint clerks 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 such election and said appointments take place; and if it shall 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 chosen, such vacancy or vacancies shall be filled by such person or persons as the directors for the time being, or the majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be David Reeves, Samuel J. Reeves, Robert S. Buck, Robert C. Nichols, and Daniel M. Woodruff, and the survivor or survivors of them, who shall hold their offices until the first Tuesday of July, eighteen hundred and fifty-three, 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 be two hundred thousand dollars, with power to increase the same to three hundred thousand dollars, and shall be divided into shares of fifty dollars each; and it shall be lawful for said company, when and so soon as one hundred and fifty thousand dollars capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of the said company to call 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 the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published, for at least thirty days, in one or more newspapers published in the said county of Cumberland.

4. *And be it enacted*, That the stock of the said corpo-

ration shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of the said company ; *provided*, that no dividend shall be made to and among the stockholders, except from and out of the profits of the said corporation. Stock transferable.

5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that 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. Corporation not dissolved for failure to elect on day prescribed.

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

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 of the said company. Books of accounts 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. Transfers to be registered

9. *And be it enacted*, That this act shall continue in force for a period of thirty years, and shall take effect immediately. Limitation.

Passed March 25, 1852.

CHAPTER CLXXXVII.

A. further supplement to the act entitled, "An act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-six.

Counties dis-
tricted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, for the purpose of electing members of the general assembly of this state, the several counties shall be formed into as many assembly districts as the said counties are entitled to elect members of the general assembly, respectively, that is to say :

Atlantic.

I. The county of Atlantic shall constitute one district, to be composed of the several townships therein.

Bergen.

II. The county of Bergen shall constitute two districts ; the first, to be composed of the townships of Lodi, Hackensack, New Barbadoes, and Union ; the second, to be composed of the townships of Harrington, Franklin, Saddle River, Washington, and Hohokus.

Burlington.

III. The county of Burlington shall constitute five districts ; the first, to be composed of the townships of Chesterfield, Bordentown, Mansfield, and New Hanover ; the second, to be composed of the townships of Burlington, Willingborough, and Springfield ; the third, to be composed of the townships of Northampton, Pemberton, and Westhampton ; the fourth, to be composed of the townships of Chester, Evesham, and Medford ; the fifth, to be composed of the townships of Southampton, Shammon, Washington, and Little Eggharbor.

Camden.

IV. The county of Camden shall constitute three districts ; the first, to be composed of the North, Middle, and South wards of the city of Camden ; the second, to be composed of the townships of Delaware, Newton, and Union ; the third, to be composed of townships of Waterford, Winslow, Gloucester, and Washington.

Cape May.

V. The county of Cape May shall constitute one district, to be composed of the several townships therein.

Cumberland

VI. The county of Cumberland shall constitute two districts ; the first, to be composed of the townships of Stow

Creek, Greenwich, Hopewell, Fairfield, and Downe; the second, to be composed of the townships of Deerfield, Co-hansey, Bridgeton, Millville, and Maurice River.

VII. The county of Essex shall constitute nine districts; Essex. the first, to be composed of the townships of Elizabeth and Rahway; the second, to be composed of the townships of Plainfield, New Providence, Union, Westfield, and Springfield; the third, to be composed of the townships of Livingston, Caldwell, and Orange; the fourth, to be composed of the townships of Bloomfield and Belleville; the fifth, to be composed of the North Ward and the Seventh Ward of the city of Newark; the sixth, to be composed of the West Ward and the Sixth Ward of the city of Newark; the seventh, to be composed of the South Ward of the city of Newark; the eighth, to be composed of the East Ward of the city of Newark; the ninth, to be composed of the Fifth Ward of the city of Newark and the township of Clinton.

VIII. The county of Gloucester shall constitute two dis- Gloucester. tricts; the first, to be composed of the townships of Deptford and Greenwich; the second, to be composed of the townships of Harrison, Woolwich, and Franklin.

IX. The county of Hudson shall constitute three dis- Hudson. tricts; the first, to be composed of the township of Hoboken and the Fourth Ward of Jersey City; the second, to be composed of the First, Second, and Third wards of Jersey City; the third, to be composed of the townships of North Bergen, Bergen, and Harrison.

X. The county of Hunterdon shall constitute four dis- Hunterdon. tricts; the first, to be composed of the townships of East Amwell, West Amwell, Delaware, and the borough of Lambertville; the second, to be composed of the townships of Alexandria, Franklin, and Kingwood; the third, to be composed of the townships of Bethlehem, Clinton, and Lebanon; the fourth, to be composed of the townships of Readington, Raritan, and Tewksbury.

XI. The county of Mercer shall constitute three districts; Mercer. the first, to be composed of the townships of Hopewell, Princeton, and Lawrence; the second to be composed of the township of Ewing and the city of Trenton; the third,

to be composed of the townships of East Windsor, West Windsor, Hamilton, and Nottingham.

Middlesex. XII. The county of Middlesex shall constitute three districts; the first, to be composed of the township of North Brunswick; the second, to be composed of the townships of Woodbridge, Piscataway, and Perth Amboy; the third, to be composed of the townships of South Brunswick, Monroe, and South Amboy.

Monmouth. XIII. The county of Monmouth shall constitute four districts; the first, to be composed of the townships of Upper Freehold, Millstone, and Manalapan; the second, to be composed of the townships of Freehold, Marlborough, and Howell; the third, to be composed of the townships of Atlantic, Ocean, Wall, and Shrewsbury; the fourth, to be composed of the townships of Raritan and Middletown.

Morris. XIV. The county of Morris shall constitute four districts; the first, to be composed of the townships of Morris and Chatham; the second, to be composed of the townships of Hanover and Pequannock; the third, to be composed of the townships of Rockaway, Jefferson, and Roxbury; the fourth, to be composed of the townships of Randolph, Mendham, Chester, and Washington.

Ocean. XV. The county of Ocean shall constitute one district, to be composed of the several townships therein.

Passaic. XVI. The county of Passaic shall constitute three districts; the first, to be composed of the township of Aquackanonk and the South Ward of the city of Paterson; the second, to be composed of the East and West wards of the city of Paterson; the third, to be composed of the townships of Manchester, Wayne, Pompton, and West Milford.

Salem. XVII. The county of Salem shall constitute two districts; the first, to be composed of the townships of Upper Penns Neck, Lower Penns Neck, Pilesgrove, Upper Pittsgrove, and Pittsgrove; the second, to be composed of the townships of Mannington, Salem, Elsinborough, Upper Alloways Creek, and Lower Alloways Creek.

Somerset. XVIII. The county of Somerset shall constitute two districts; the first, to be composed of the townships of Bedminster, Bernard, Bridgewater, and Warren; the second, to be

composed of the townships of Franklin, Hillsborough, Montgomery, and Branchburgh.

XIX. The county of Sussex shall constitute three districts; the first, to be composed of the townships of Wantage, Frankfort, Montague, and Sandyston; the second, to be composed of the townships of Vernon, Hardyston, Sparta, and Lafayette; the third, to be composed of the townships of Newton, Green, Byram, Stillwater, and Walpack.

XX. The county of Warren shall constitute three districts; the first, to be composed of the townships of Greenwich, Franklin, Phillipsburg, and Harmony; the second, to be composed of the townships of Washington, Mansfield, Independence, and Frelinghuysen; the third, to be composed of the townships of Oxford, Belvidere, Hope, Knowlton, Blairstown, Hardwick, and Pahaquarry.

2. *And be it enacted*, That on the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November in each year thereafter, an election shall be held in each of the said assembly districts for one member of the general assembly, who shall be resident in said district, which election shall be in all respects, as nearly as may be, conducted according to the act to which this is a supplement and the several supplements thereto.

3. *And be it enacted*, That the statement of the determination of the board of county canvassers, mentioned in the seventy-seventh section of the act to which this is a supplement, shall be in the following, or like form:

A statement of the determination of the board of county canvassers relative to an election held in the county of —, and in the several assembly districts, in the said county, for the election of a member of the senate, members of the general assembly of this state, and a sheriff and coroners for said county, for the ensuing year.

The said board do determine that, at the said election, — was duly elected a member of the senate of this state; — was duly elected a member of the general assembly in the first assembly district in said county, [and so on, for each assembly district in the county,] in

Sussex.

Warren.

Annual elections for members of assembly.

Form of statement of determination.

case there are more districts than one in such county ;
 ——— was duly elected sheriff, and ——— were
 duly elected coroners, for said county.

I do certify that the foregoing is a true, full, and correct
 statement of the determination of the board of canvassers
 therein mentioned.

In witness whereof, I have hereunto set my hand, this
 ——— day of November, in the year of our Lord one thou-
 sand eight hundred and ———.

————, Chairman of the board of canvassers.

Attest,

————, Clerk.

Part of for-
 mer act re-
 pealed.

4. *And be it enacted*, That so much of the act to which
 this is a supplement, and of the several supplements there-
 to, as is repugnant to this supplement, be, and the same is
 hereby repealed.

Approved March 26, 1852.

CHAPTER CLXXXVIII.

A supplement to the act entitled, "An act to provide for the sup-
 port of the government of this state and to fix the salaries of
 public officers."

Compensa-
 tion of ser-
 jeant-at-
 arms and
 doorkeeper.

1. *BE IT ENACTED by the Senate and General Assembly
 of the State of New Jersey*, That there shall be allowed to
 the serjeant-at-arms of the senate and to the doorkeeper of
 the house of assembly, for the time being, for the services
 mentioned in the seventh section of the act to which this is
 a supplement, the sum of one dollar per day, and the sum
 of twenty-five cents per day, each, for the compensation of
 an assistant, in addition to the compensation allowed in
 said section to said officers.

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

Approved March 26, 1852.

CHAPTER CLXXXIX.

AN ACT to incorporate the Newark and Bloomfield Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of
corporators; *of the State of New Jersey*, That Zenas S. Crane, Joseph A. Davis, Ira Dodd, Grant J. Wheeler, Robert C. Cook, David Oakes, David Congar, William S. Morris, and Warren S. Baldwin, 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 Newark and Bloomfield Railroad Company;" 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 objects of this incorporation.

2. *And be it enacted*, That the capital stock of said com- Amount of
capital stock. pany shall be two hundred thousand dollars, with liberty to the said company to increase the same to three 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.

3. *And be it enacted*, That the above named persons Annual elec-
tion of direc-
tors. 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 two hundred shares of the said stock subscribed, the said commissioners may give notice for a meeting of the stockholders 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 of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a ma-

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 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 said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation
not to be dis-
solved for
failure to e-
lect on day
prescribed.

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.

Payment of
instalments.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the capital stock of said company, by such instalments, not to exceed ten dollars on each share at any one time, and at such times as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other; 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 a secretary and so many clerks and persons as to them shall

Proviso.

seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from one or more suitable place or places in the township of Bloomfield, to intersect some point in the railroad of the Morris and Essex Railroad Company, at Newark, in the county of Essex, or to intersect some point in the railroad of the New Jersey Railroad and Transportation Company, at Newark, in the county of Essex, not exceeding seventy-five 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, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such 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 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 herein after 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

Construc-
tion of road
authorized.

Proviso.

said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings
in case com-
pany and
owners can-
not agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or 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 some proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, herein after 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 such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and 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 company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said com-

missioners, 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 wherein said lands or materials may be, 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 the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and 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 constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses, to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *provided always*, that should the said Proviso. 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 be.

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 the 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, and thereupon, without any further proceedings, the parties shall be considered as at issue; and the like proceedings shall be had, and the like process awarded for the trial thereof by jury, and for compelling the attendance of witnesses, as may be Manner of making appeal.

had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect, as in any action of trespass or on the case prosecuted in the said court, and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or, upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or, upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs; and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless a good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court, rendered in such appeal, shall be sufficient to authorize the company to take possession of and use the said land or materials; *provided*, the amount of the said judgment or of the award of the said commissioners shall first be paid to the party or parties recovering the same, or in whose favor the same is made, or upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof; *provided*, that the person or persons entitled to receive the damages assessed by the commissioners may, upon tender thereof being made, receive the same, without being thereby debarred from his, her, or their appeal, as herein before provided for.

Proviso.

Proviso.

Proceedings
in case of re-
fusal to re-
ceive pay-
ment of da-
mages.

9. *And be it enacted*, That in case any owner or owners of any such required lands or materials so appraised, or in favor of whom damages may have been assessed, shall be feme covert, under age, non compos mentis, or resident out of this state, or shall refuse to receive the amount so awarded or assessed, then and in such case the said company shall pay the amount or amounts so awarded to the

last mentioned owner or owners, respectively, or the damages so assessed into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners, or of the said person or persons, so damnified, which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or owners damnified, or paid into the circuit court under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner herein before provided.

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

Bridges to be constructed and kept in repair.

11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of ten cents per mile per ton for the transportation of property on the said road, or five cents per mile for carrying each passenger on said railway in the carriages of the company, or five 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 four cents per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated

Rates of transportation.

Proviso.

by this act, and their successors and assigns, during the continuance of this act.

Semi-annual
dividends to
be made.

12. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend 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.

Real estate
may be held.

13. *And be it enacted*, That the said company may have and hold real estate, at or near the termination and commencement of the said road, not exceeding three acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for
injuring
works.

14. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any building, works, or machinery of the said corporation, such person or persons shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt, and, further, shall be liable for all damages.

Road free for
other car-
riages, on
payment of
tolls.

15. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages, so used thereon, shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated, as to the time of starting and rates of travelling, as not to interfere with the carriages of the company.

Proviso.

Statement of
cost 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 the said company shall file, under oath or affirmation, a statement of the amount of the cost

of the said road, including all expenses, in the office of the secretary of 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, as soon as the net proceeds of said road 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 road, to be paid annually thereafter on the first Monday in January in each year; *provided*, that no other Proviso. tax or impost shall be levied or assessed upon the said company.

17. *And be it enacted*, That if the said railroad shall not be commenced in two years from the passage of this act, and completed and in use at the expiration of five years from the fourth day of July next ensuing, that then and in that case this act shall be void. Commencement and completion of road.

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

19. *And be it enacted*, That the governor, the chancellor, Certain officers to pass free. the justices of the supreme court, and the judges of the court of errors of this state, when travelling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved March 26, 1852.

CHAPTER CXC.

A 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.

Sales may be confirmed at special terms

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That judges of the orphans' court of the several counties of this state be authorized and empowered to receive reports of all sales made by order of said court, at any special term or terms of said court, to confirm such sale, 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 26, 1852.

CHAPTER CXCI.

AN ACT for the discontinuance of the house of refuge, and for the relief of the contractors who furnished labor and materials for the erection of the same.

Commissioners to audit accounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state shall appoint three commissioners, whose duty it shall be forthwith to audit the accounts of the contractors who furnished labor and materials for the erection of the house of refuge; and that upon their certificate of the amount or amounts due to each of them, for work done and materials furnished, to be approved by the governor, according to the written contracts entered into between the said contractors and the commissioners appointed to contract for

and superintend the erection of the said house of refuge, the treasurer shall pay the same to the said contractors, respectively, out of any money in his hands not otherwise appropriated.

2. *And be it enacted*, That said commissioners, so appointed as aforesaid, shall have full power and authority, and they are hereby authorized and directed to sell, for the best price that can be obtained for the same, all materials and property belonging to said house of refuge, and to advertise and sell at public sale the land attached and appertaining to the same, and to make a good and sufficient conveyance, under their hands and seals, to the purchaser or purchasers thereof, and to pay the proceeds of said sales into the hands of the state treasurer, and taking his receipt therefor, and generally to wind up, adjust, and settle all matters, contracts, and controversies connected with the construction of said house of refuge, subject to the approval of the governor of this state.

Commissioners authorized to sell property.

3. *And be it enacted*, That said commissioners, for the services rendered by them under this act, shall receive a fair and just compensation, to be paid to them by the treasurer of this state, upon the certificate of the governor, who is hereby authorized to audit and allow the same.

Compensation of commissioners.

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

Approved March 26, 1852.

CHAPTER CXCI.

A supplement to an act entitled, "An act to authorize the formation of societies for the protection of property," approved March thirteenth, one thousand eight hundred and fifty-one.

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 persons who may desire to avail themselves of

Notice of meeting to be given.

the benefits and advantages of the act, to which this is a supplement, to meet at such time and place as they may designate, upon giving the notice prescribed in the first section of said act, and conforming, in other respects, to the provisions contained therein.

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

Approved March 26, 1852.

CHAPTER CXCIIL.

A further supplement to the act entitled, "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty.

Shall have
banking
house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any association under the provisions of the act, to which this is a supplement, shall not have a regular bona fide banking house or office in some public situation in the place where the banking business of such association is to be carried on, to be used for that purpose only, agreeably to the certificate made and filed by the persons heretofore or hereafter associated, and shall not keep a regular cashier or clerk in attendance therein at the usual business hours; or in case any such association shall not carry on the business of banking, in a bona fide manner, at such place, agreeably to the true intent and meaning of the eighteenth section of said act, and any credible citizen of this state shall make an affidavit in writing setting forth that, from personal knowledge and examination, he hath reason to believe, and doth believe, that any such association is violating any of the provisions of this section, or of the eighth section of this act, and shall deliver the same to the attorney general of this state, it shall be his duty forthwith to apply, by petition or

information, to the chancellor, setting forth the facts and circumstances of the case; and thereupon the chancellor, upon such reasonable notice being given as he shall direct, shall proceed, in a summary way, to hear the affidavits, proofs, and allegations which may be offered; and if, upon such inquiry into the matter or cause of complaint, it shall be made to appear that the said association hath violated any of the provisions of this section, or the eighth section of this act, the said chancellor may proceed as if said association was shown to be insolvent, and may make an order directing the treasurer to give notice that all the circulating notes issued by said association will be redeemed out of the trust funds in his hands after such notice; and further, to proceed as is directed by the tenth section of the act, to which this is a supplement.

2. *And be it enacted*, That the governor, secretary of state, and attorney general of the state shall be a board of commissioners, to be styled "the Board of Bank Commissioners," who, or a majority of them, shall have power to inspect and supervise said association at all times, and to examine their books, papers, and concerns, and to examine their officers or other persons under oath or affirmation, and, after such inspection or examination, if they shall have reason to believe said associations, or any of them, are not carrying on the business of banking in a bona fide manner, and according to the true intent and meaning of this act, and the act to which this is supplementary, they shall so report in writing to the chancellor, who shall proceed on such complaint as he is directed to do in the first section of this act; and said commissioners shall have power, at all times, to examine the books and papers of the treasurer relating to the business of banking, under the provisions of the act to which this is a supplement, together with the securities deposited in his office by said association.

3. *And be it enacted*, That if any such association shall neglect or refuse to submit its books, papers, and concerns to the inspection or examination of said commissioners, or to a committee of the legislature appointed for that purpose, or if its officers shall refuse to be examined, under oath or affirmation, touching the concerns of such associa-

Commission-
ers, their
powers and
duties.

Penalty up-
on refusal to
exhibit.

tion, by said commissioners or committee, the chancellor, upon complaint thereof in writing to him made by said commissioners or committee, shall proceed as if said association was shown to be insolvent, and shall make an order similar to the order contemplated in the first section of this act.

Notes re-
turned to be
cancelled.

4. *And be it enacted*, That all circulating notes returned to the treasurer shall, on the same day on which they shall be returned, in the presence of the bank commissioners, or one of them, be counted and cut; each note shall be cut in two equal parts, as near as may be, and each part be cut or mutilated in the manner that checks, when paid, are usually cut or mutilated by incorporated banks, and the part of each note containing the name of the treasurer or register shall be retained by the treasurer, and the other part shall be delivered to and retained by the auditor, until the same shall be destroyed by a committee of the legislature, as required by the thirty-second section of the act to which this is a supplement; and said auditor shall register in a book the amount of each denomination of notes so cut, with the name of the association returning the same.

Notes deli-
vered to
banks.

5. *And be it enacted*, That when the treasurer shall deliver any notes to any association, according to the provisions of the act to which this is a supplement, he shall exhibit the same to the auditor, who, in a book to be provided for the purpose, shall enter thereon the amount delivered, the time when delivered, the name of the association, and the amount of each denomination, together with a description of the securities deposited therefor.

Name or ti-
tle of banks.

6. *And be it enacted*, That no association incorporated under the act to which this is a supplement, shall be designated by the name of any other bank or banking association in this state, and the name and location thereof shall be in large legible letters upon all their circulating notes.

Commission-
ers to value
real estate.

7. *And be it enacted*, That the governor shall appoint and commission, in each county of this state, commissioners, not exceeding three, to ascertain the value of all real estate mentioned in the sixth and seventh sections of the act to which this is a supplement; and each commissioner

shall, before he executes the duties of his office, make affidavit by oath or affirmation, and signed by him, before the clerk of the county for which he shall be appointed, faithfully and impartially to execute the duties of his office, which said affidavit shall be filed in the office of the secretary of state, and such commissioner shall hold his office for three years, unless sooner removed by the governor; and no mortgage upon real estate shall be received as security, until a certificate is presented and filed in the office of the treasurer of the value of said real estate, the improvements of the same, and the annual value thereof, as near as may be, signed by two commissioners resident in the county in which said real estate may be situate, not interested in said real estate or related to or connected in business with the person or persons desiring said certificate.

8. *And be it enacted*, That no association of persons shall be formed for the purpose of banking under the act to which this is a supplement, and the several supplements thereto, unless a majority of the shares of such association shall be held by actual residents of this state; and every such association shall have power to transact the business of banking, so long as a majority of the shares therein shall continue to be held by actual residents in this state, and no longer.

9. *And be it enacted*, That the following fees shall be allowed and paid for services performed under this act and the act to which this is a supplement: to the bank commissioners, the sum of fifty dollars, each, per annum, to be paid by said associations to the treasurer, in proportion to their respective capitals, and by him paid to said commissioners; to each of the county commissioners, the sum of two dollars for each day necessarily employed under the requisitions of this act, and five cents for each mile of travel, going and returning in the performance of his duties, to be paid by the association requiring said service; to the treasurer, for countersigning, numbering, and registering circulating notes delivered to any such association, the sum of one dollar and twenty-five cents for every one hundred sheets, of four notes on each sheet, to be paid by said association; the fees for all other services not fixed by law

Majority of
stockholders
to be resi-
dents of this
state.

Fees.

shall be fixed, audited, and allowed by the governor and chief justice.

Repealing
clause.

10. *And be it enacted*, That so much of the act entitled, "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and the supplement thereto, approved March fourteenth, eighteen hundred and fifty-one, as conflicts with the provisions of this supplement, be, and the same is hereby repealed.

Bank com-
missioners to
examine spe-
cial banks.

11. *And be it enacted*, That the bank commissioners appointed by the authority of this act shall be vested with the same power and authority to examine, inspect, and supervise the books, officers, and concerns of the special incorporated banks, as is vested in said commissioners by the second section of this act; and any such association neglecting or refusing to comply with the provisions of this act, shall be liable to the provisions imposed by the third section of this act.

Banks to ap-
point agents
for redemp-
tion.

12. *And be it enacted*, That every bank or association in this state, heretofore or hereafter incorporated by special enactment, or under the provisions of the act to which this is a supplement, issuing circulating notes, shall, on or before the fourth day of July next, appoint an agent in the city of Camden or Trenton, if the office or place of business of such bank or association be in the counties of Cape May, Atlantic, Cumberland, Salem, Gloucester, Camden, Burlington, or Mercer, and in the city of Jersey City or Newark, if the office or place of business of said bank or association be in any of the other counties of the state, for the redemption of the circulating notes issued by such bank or association which

Proviso.

shall be presented to such agent for payment or redemption; *provided always*, that any bank or association that is herein required to have an agent at Newark or Jersey City, shall not be required to have such agent, so long as it causes its notes to be redeemed at par at some approved bank or office in the city of New York; and any bank or association that is herein required to have an agent at Camden or Trenton, shall not be required to have such agent, so long as it causes its notes to be redeemed at par at some bank or office in the city of Philadelphia; and any bank or association, whose office or place of business is in the county

of Mercer, may, with the approbation of the bank commissioners of this state, provide for the redemption of its notes at par at some approved bank or office, either in the city of New York or the city of Philadelphia, and in such cases shall not be required to have such agent as aforesaid; which bank or office for par redemption shall be designated to the treasurer, and approved by the bank commissioners of this state, and shall not be approved unless situate in such part of said cities where such business is generally transacted; and notice of such designation and approval shall be published in the manner herein provided for publication of the appointment of an agent; but if, at any time, it shall appear to the treasurer, by affidavit filed in his office, that any notes of such bank are not redeemed at par at such designated bank or office, he shall forthwith appoint an agent for such bank at the proper place in this state, and give notice thereof to such bank, and publish the same, as required in other cases.

13. *And be it enacted*, That any such bank or association, whose agent shall neglect or refuse to redeem their notes on demand, between the hours of ten and three o'clock on every day (Sunday excepted) as aforesaid, shall pay, to the person making such demand, interest upon the notes so demanded as aforesaid, at the rate of twenty per cent. from the time of demand made until the same is paid.

Penalty for
refusal to re-
deem at a-
gency.

Approved March 26, 1852.

CHAPTER CXCV.

An act to incorporate the Woodstown and Pennsgrove Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby

Company in-
corporated.

Commissioners to open books of subscription.

ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Woodstown and Pennsgrove Turnpike Company," and that Woodburn Mulford, Thomas J. Casper, Josiah Brick, Smith Hewitt, Samuel Prior, jun., David Guest, and Joseph Guest, or a majority of them, are hereby appointed commissioners to open the 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 one or more 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 twelve thousand dollars, with the privilege of increasing it to any sum not exceeding eighteen thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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 that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalment, or any of them, to and for the use of said company.

Annual 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 four hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books, at which meeting the subscription books shall

be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, 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 said board; and at every such election, and in 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, in person or by proxy; and that if four hundred shares of said stock shall not be subscribed for within three years, and the said road completed within six years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That, as soon as conveniently may be after the first and subsequent election of directors, they shall elect from their number a president of said company, for the term of one year and until another shall be elected, who shall be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of the board, and in case of his absence the said board shall appoint some other from 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 the 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 such meeting is called.

Election of
president.

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.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, on or near the present public highway leading from Woodstown, by way of Sharpstown, to Pennsgrove, in the county of Salem, not exceeding four rods in width, at least thirty-two feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and 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 construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road; 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 sides, so as to prevent horses from running off; and the said company may, by its officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands to search for stone, gravel, sand, clay, or other material, for improving said road as aforesaid, doing no unnecessary damage to said land; *pro-*

Provide.

vided, that as soon as the said company shall have constructed the said turnpike, plank, or gravel 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 will sustain by reason of the construction of the said road; and in case the said company and said 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 herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel

from his or her lands for the construction or maintaining of said turnpike road.

7. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to said road, doing no unnecessary damages thereunto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, clay, sand, earth, or other materials therefrom, suitable for constructing and repairing said road as aforesaid; *provided always*, Proceedings in case owners of land and company cannot agree. that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by the said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county where the said land or materials doth lie, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to

Parties ag-
grieved may
appeal.

them shall appear just and proper, 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 in which said land doth lie, to be by him filed as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which appeal shall vest in said court full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party to do so; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with cost, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with said company, then it shall be the duty of said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners, all which proceed-

ings, as well under this, as the seventeenth section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

8. *And be it enacted*, That as soon as the said company ^{Rates of toll.} shall have constructed the said road, or any five continuous miles thereof, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each 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, 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 shall have paid the toll, as above specified; *provided*, that ^{Proviso.}

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 and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the laws of the United States.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said road, they shall ^{Mile stones or posts to be erected.} cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Woodstown and Pennsgrove; 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
injuring
works.

10. *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, for the information of the people travelling 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, 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 cost of suit; and if any person, with his carriage, team, or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

11. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller 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 cost of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
obstructing
passage.

12. *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 the said road, in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall

forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action of damages for every such offence, to be recovered with costs of suit.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Salem, 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 two townships, of either of said townships, which three persons, being disinterested in the said turnpike road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge so complained of, and report to 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 turnpike road, the said justice shall immediately, in writing under his hand and seal, order the keeper of said the gate or turnpike to keep open the same 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 travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with cost 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 from said company, again to view the said turnpike road or bridge, 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 tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before,

Proceedings
in case road
and bridges
are not kept
in repair.

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 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 persons in the township or townships, who may be disinterested, to serve in the place and stead of any member, or number of members, of the township committee so disqualified.

Road may
be made free

14. *And be it enacted*, That when the board of chosen freeholders of the county of Salem shall desire so to do, they may, by paying to the stockholders the original cost of constructing and improving said road, as aforesaid, make the same free ; and that nothing in this act shall be construed to affect the title of the owners to the lands on which the said turnpike road passes, or from whence the materials for its construction may be taken.

Statement
of cost to
be filed.

15. *And be it enacted*, That before the company, hereby incorporated, shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Salem, full and perfect statements of the costs of the construction of said road.

Limitations
and restrictions.

16. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

When act to
take effect.

17. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways according to law ; and in the event of such vacation as aforesaid, the board of chosen freeholders of the county of Salem shall determine upon what terms and conditions the bridges upon said roads, now belonging to said county, shall be disposed of to the said company,

hereby incorporated; and in case the said company and the said board of chosen freeholders, respectively, cannot agree upon the amount proper to be paid for said bridges, then in that case the damages shall be assessed in like manner, and subject to the same exactions and restrictions, as is provided for in the seventh section of this act, in relation to other damages therein specified.

Approved March 26, 1852.

CHAPTER CXCIV.

AN ACT to incorporate the Prospect Hill Cemetery of Belleville.

1. *BE IT ENACTED by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That Jabez P. Pennington, Isaac J. Van Winkle, Stephen K. Joralemon, John D. King, Thomas W. Satterthwaite, Francis A. Brown, Sabastian Duncan, John S. Brown, Henry K. Cadmus, Theodore Sandford, Joseph L. Whitfield, James Browe, Henry Orsborn, Caleb Negles, Charles J. Williams, Nicholas N. Joralemon, William H. Brant, Alfred Speer, Abraham V. Spear, Hugh Holmes, and George W. Perry, they and their associates, and all such persons as shall become holders of burial lots in the cemetery herein after named, are hereby constituted a body corporate, by the name of "the Prospect Hill Cemetery of Belleville."

2. *And be it enacted*, That the said corporation shall Corporation authorized to purchase and hold land.
have power to purchase, take, and hold in fee a tract of land, not exceeding fifty acres, situated in either the township of Belleville, in the county of Essex, or in the township of Harrison, in the county of Hudson, or in the township of Union, in the county of Bergen, for the purpose of such cemetery, and shall hold such tract of land, when purchased, in trust for the uses herein after mentioned, to wit: first, the said corporation shall have power to lay out

avenues and walks, and divide such tract into sub-lots, and may sell or otherwise dispose of such sub-lots in the said cemetery, and take the proceeds of sale to their own proper use and behoof, and may erect thereon such improvements, buildings, and accommodations as they may deem suitable; second, the sub-lots shall be conveyed to the respective purchasers in fee, and the purchaser of each lot, his heirs and assigns, shall have the exclusive use and occupation thereof only for the interment of deceased persons, with the common use of the avenues and walks, subject to such regulations as may be established by the said corporation relative to the rights and privileges of the holders of lots, and the transfer of the same, the digging of graves, the building of vaults, the erecting of monuments, and the ornamenting and preserving of the whole or any part of said cemetery.

Election of
managers.

3. *And be it enacted*, That the care and management of the said cemetery and the business of the said corporation shall be confided to twenty-one managers, being lot holders, who shall have the exclusive superintendence thereof, and shall hold their offices for one year and until others are chosen; and the said managers shall be chosen on the third Tuesday of January, in every year, at such place and time of day as shall be directed by the by-laws of the said corporation, and each lot holder shall, in all cases, be entitled, in person or by proxy, to one vote for each lot held by him or her, and the persons receiving the greatest number of votes shall be the managers; and it shall be the duty of the managers for the time being, immediately before proceeding to an election, to make a report to the proprietors of the state of the affairs of the association; and all vacancies occurring, by death, resignation, or otherwise, among the managers may be filled by a majority of the remainder; and a majority of the managers shall, at all times, be a quorum for transacting the business of the said corporation.

First man-
agers.

4. *And be it enacted*, That the persons herein before named as the corporators shall constitute the first board of managers, who shall, as soon as they may deem it expedient after the purchase of a tract of land for the purpose herein set forth, call a meeting of the proprietors (lot hold-

ers), a majority of whom, thus assembled, shall have power to make by-laws, rules, and regulations relative to the duties of the managers, the right of lot holders, the privilege of visitors, and the general government of the cemetery, and may, at their first meeting, or at any annual meeting, empower and direct the managers for the time being to make any by-laws, rules, and regulations for the government of the cemetery, which they (the said managers) may deem expedient.

5. *And be it enacted*, That from and after the purchase of such tract of land for the purpose of such cemetery, the premises so purchased, the burial lots, vaults, monuments, and other fixtures of 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, or assignments under any insolvent law whatever, except for encumbrances existing at or previous to the purchase of said tract of land for such cemetery; and that, after such purchase, no street or road shall be opened through the lands of this corporation. Property not
liable to tax-
ation.

6. *And be it enacted*; That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Restrictions
and liabili-
ties.

Approved March 26, 1852.

CHAPTER CXCVI.

A supplement to the act entitled, "An act to incorporate the New Brunswick Savings Institution," approved March fifteenth, eighteen hundred and fifty-one.

1. *BE IT ENACTED by the Senate and General Assembly* Quorum.
of the State of New Jersey, That seven of the managers of

said corporation shall be a quorum to do business, and that all the officers, clerks, agents, and servants of said corporation shall hereafter be chosen and appointed by the managers thereof.

Stocks in which company may invest money.

2. *And be it enacted*, That the said corporation, in addition to the power of investing money on bond and mortgage and in the public stocks, given in the seventh section of the act to which this is a supplement, may invest money in the public stocks of the states of Kentucky and Massachusetts, authorized by the respective laws of said states, and also in the stocks of the city of Newark, in this state, and of the cities of New York and Brooklyn, in the state of New York, authorized by the laws of said states, respectively, and in such other stocks or securities as the managers of said corporation shall deem safe.

Removals, &c., may be made by a majority of members.

3. *And be it enacted*, That the appointment of officers in case of vacancy, and the removals mentioned in the thirteenth section of the act to which this is a supplement, may be made by a vote of the majority of the members.

Annual report to be verified by oath.

4. *And be it enacted*, That the annual report required to be made to the legislature of this state, by the fourteenth section of the act to which this is a supplement, shall be verified by the oaths or affirmations of the treasurer, and a committee, appointed for that purpose by the managers of said corporation, of three or more of their number.

Parts of former act repealed.

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

Approved March 26, 1852.

CHAPTER CXC VII.

AN ACT to incorporate the Essex and Hudson Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly* Names of corporators.
of the State of New Jersey, That William Wright, Walter Rutherford, Alexander C. Farrington, Frederick H. Smith, Francis S. Lathrop, Lewis C. Grover, Thomas H. Stephens, and Silas Merchant, and such other persons as may be hereafter associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Essex and Hudson Ferry Company," for the purpose of establishing a ferry from the city of Newark, at or adjoining lands owned by the New Jersey Zinc Company, in said city, across the Passaic river, to a point on the said river in the county of Hudson; and for that purpose the said company may purchase or lease real estate, General powers. and erect wharves, piers, slips, buildings, and other necessary appendages, and may build or purchase steamboats and other ferry boats, of such description and dimensions as they may think proper, and as may be necessary for the establishment and continuance of a complete ferry or ferries between said places; and it shall be the duty of said company to keep a steamboat or other ferry boats running at said ferry in the day time, for the accommodation of the public at all seasons of the year, except when the navigation of said river is impracticable or imminently dangerous.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Amount of capital stock.

3. *And be it enacted*, That the above named persons 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, shall appoint, giving twenty days' notice in one or more newspapers published in Newark; and if there are more subscriptions to the capital stock than by this act is authorized, the said commis- Commissioners to open books of subscription.

sioners, or a majority of them, shall apportion the same as to them shall appear fair and just; and at the time of subscribing, five dollars on each share subscribed shall be paid in, at such times and in such amounts, by instalments, as is by this act herein after directed.

Election of
directors.

4. *And be it enacted*, That whenever there shall be one thousand shares of said stock subscribed, and five thousand dollars paid in, as heretofore directed, the said commissioners shall give notice for ten days, in a newspaper published in Newark, of a meeting of the subscribers to said stock, which subscribers, when so met, shall elect by ballot, from among the stockholders, nine directors, a majority of whom shall be citizens and residents of this state, and hold their offices for one year and until others are elected; and each stockholder shall have one vote for each share of stock he or she shall own at the time of such election, either in person or by proxy; and the like election shall be held annually, on like notice and in like manner, in each successive year.

Directors to
choose pre-
sident and
officers.

5. *And be it enacted*, That the said directors shall and may choose, from among themselves, a president, and shall have power to fill any vacancy that may happen in their own body, and may appoint such officers, with such compensation as they shall deem proper, and may employ such engineers, agents, and workmen, with such compensation as they shall deem proper, and may make such by-laws and regulations, for their own government and for the conduct of their business, as shall from time to time be deemed necessary, and shall have power to call in the remainder of the capital stock by instalments, not exceeding five dollars on each share, by giving twenty days' notice in a newspaper published in Newark, and in case of nonpayment of such instalment, to declare the stock forfeited, and all payments thereon.

Rates of fer-
riage.

6. *And be it enacted*, That it shall not be lawful for the said company to charge more than the following rates of ferriage or toll for crossing said ferry, as follows: for each passenger, three cents; for every carriage, sleigh, or sled drawn by one beast, eight cents; for every additional beast, four cents; for every horse and rider, or led horse or mule,

eight cents; for every dozen of calves, sheep, or hogs, four cents; for every dozen of horses, mules, or cattle, sixteen cents.

7. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, piers, boats, or any of the works, engines, or machinery of said company, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered by action of debt, before any court of competent jurisdiction. Penalty for injuring works.

8. *And be it enacted*, That this act shall continue in force for the term of thirty years, and that the said company shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions, as are specified in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six. Limitation.

9. *And be it enacted*, That if the said ferry shall not be commenced within two years, and completed within five years from the passage of this act, that then and in that case this act shall be void. Commencement and completion of work.

Approved March 26, 1852.

CHAPTER CXCVIII.

A supplement to an act entitled, "An act to incorporate the Woodbury and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the time limited in the second section of the act to which this is a supplement, to receive subscriptions to five hundred shares of the capital stock of said company, to two years from the passage thereof, is Time for receiving subscriptions and for completion of road extended.

hereby extended to two years from the time of the passage hereof; and that the time therein limited, to four years from the passage of said act, for the completion of their turnpike road; is hereby extended to four years from the time of the passage hereof; and the said company, when organized according to the provisions of said act, and of this supplement, may construct a turnpike or plank road from the Pine Grove tavern, in the county of Camden, instead of from Woodbury, to some point within the corporate limits of the city of Camden; and when constructed according to the directions of said act, either of stone, gravel, or plank, the said company may erect gates or turnpikes across the same, and demand and receive toll for travelling thereon, not exceeding the rates prescribed in said act; and so much of said act as requires or authorizes said company to construct a turnpike road where the Gloucester Turnpike Company have constructed their plank road, is hereby repealed.

Commission-
ers to re-
ceive sub-
scriptions.

2. *And be it enacted*, That so much of the first section of the act, to which this is a supplement, as names and appoints commissioners to receive subscriptions to the capital stock of said company, be, and the same is hereby repealed; and that Abraham Browning, John W. Mickle, Charles Kaighn, John R. Cowperthwaite, and Stephen Crocker be, and they are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock of said company; which said commissioners, hereby appointed, shall possess the same powers, and perform the same duties, as they would have possessed, and been required to perform, had they been originally named and appointed commissioners in the said act.

Approved March 26, 1852.

CHAPTER CXCIX.

AN ACT to authorize the construction of works to supply the city of Paterson with water.

1. BE IT ENACTED *by the Senate and General Assembly* Water commissioners to be appointed of the State of New Jersey, That the president and council of the city of Paterson are hereby authorized and directed, within twenty days after this act shall take effect, as herein after provided, to appoint three commissioners, to be called "water commissioners," who shall have the powers and perform the duties herein after mentioned; one of which water commissioners shall hold his office until the first Monday in January, eighteen hundred and fifty-three, another until the first Monday in January, eighteen hundred and fifty-four, and the other until the first Monday in January, eighteen hundred and fifty-five, to be determined by the said president and council; during the month of January in each year hereafter, one water commissioner shall be appointed by said president and council, who shall hold his office for the term of three years from the first Monday of said month of January; in case a vacancy should occur in the office of water commissioner, the said president and council shall appoint a proper person to fill the same, to serve the unexpired term; no member of the council shall be eligible to the office of water commissioner.

2. *And be it enacted,* That the said water commissioners, and every of them, appointed under the provisions of this act, before entering on the discharge of the duties prescribed by this act, shall severally take and subscribe, before the clerk of said city, who is hereby authorized to administer the same, an oath or affirmation faithfully and impartially to discharge all the duties imposed on him by this act, which said oath or affirmation shall be filed in the office of the clerk of said city; and further, before entering upon the discharge of the duties prescribed by this act, each of said water commissioners shall enter into bonds to "the president and council of the city of Paterson," with two freehold sureties, to be approved of by the said presi- Commissioners to take oath and give bond.

dent and council, in such sum (not less than three thousand dollars) as they may direct, conditioned for the true and faithful performance of all the duties of the said office of water commissioner; no water commissioner shall be interested or concerned, directly or indirectly, in any contract or agreement for furnishing labor or materials in the erection or repair of the works authorized by this act, which said water commissioners may make or cause to be made; but each of said water commissioners shall be entitled to receive, from the said president and council, the sum of one dollar and fifty cents per day for each day actually employed, not exceeding in the whole the sum of one hundred dollars in each year.

Commissioners authorized to construct water works.

3. *And be it enacted*, That the said water commissioners are hereby invested with all the powers necessary to enable them to construct, keep up, and maintain such reservoirs, aqueducts, and apparatus for elevating water, as they may deem necessary from time to time, with such erections in the Passaic, or such other river or body of water, as they may deem expedient, and to construct such other works, establishments, and fixtures as may be, in their opinion, required to effectuate the objects of this act, and to use such water for the purposes contemplated by this act, and to lay all pipes, under the streets or through private property in said city, that may be needed to conduct said water to the reservoirs, and from the reservoirs to such parts of the city and vicinity as the president and council of said city may from time to time deem expedient; and for these purposes, said water commissioners may make all such contracts, and employ all such engineers, workmen, and laborers, as they may deem necessary, subject, however, to the restrictions herein after provided.

Proceedings in case owners of land and company cannot agree.

4. *And be it enacted*, That if it should become necessary, in the opinion of said water commissioners, to lay pipes through any private lands in said city, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof, as to the amount of compensation to be paid for the laying said pipes through said lands, or the price of said lands, or for the water required for the

purposes of this act, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as said water commissioners may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state, upon application to him by the president and council of said city, and reasonable notice to the owner or owners, to appoint three disinterested appraisers, from the county of Passaic, to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands or water, as the case may be; and it shall be the duty of the said appraisers, (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises,) within twenty days after their appointment, to deliver to said water commissioners a written appraisalment, under the hands and seals of them, or a majority of them, of the award they may have made, containing a short description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works as aforesaid, or a statement of the quantity of water required to be taken for the purposes of this act, as the case may be, which the said water commissioners shall cause to be recorded in the registry of deeds for the county of Passaic; and upon payment or tender, by the said water commissioners, to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisalment, if any, then the said water commissioners shall have the right to lay said pipes through the lands aforesaid, or the president and council of the city of Paterson shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works, or of the water so required, as the case may be, as aforesaid; and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or out of the state, then and in that case it shall be sufficient for said water commissioners to pay the amount which may have been appraised, as aforesaid, into the court of chancery of this state, subject to the order of said

court, for the use of the party or parties entitled to the same ; the costs of all which proceedings shall be taxed by the said justice of the supreme court, and paid by the said president and council.

Parties ag-
grieved may
appeal.

5. *And be it enacted*, That in case the said president and council, or the owner or owners of the said land or water, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the judge of the circuit court of the county of Passaic, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises 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 determine the compensation to be paid for the laying of pipes through said lands, or the price to be paid for lands required for erecting reservoirs or other works thereon, or the price to be paid for the water taken for the supply of said city, as the case may be ; 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 president and council, 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 said water commissioners shall have offered, or less than shall have been 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 said water commissioners from taking the said land or water, upon filing the aforesaid report.

Company
may enter
on lands for
purposes of
repairs.

6. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may have been laid through any private lands, either by virtue of the preceding section or by agreement

with the owner or owners thereof, it shall be lawful for the said water commissioners, with their workmen and agents, and with necessary vehicles, tools, and implements, to enter upon said lands, and make the necessary repairs and alterations, doing no unnecessary damage; *provided always*, Proviso. that nothing in this section contained shall be so construed as to protect the said water commissioners, or their workmen or agents, from any action that may be brought against them, individually, by the owner or owners of said lands, for any damage which they may have wilfully or unnecessarily done.

7. *And be it enacted*, That the work and materials, Advertisement for contracts. which the said water commissioners are herein before authorized to procure, shall be obtained by contract, whenever practicable, and that notice shall be given by said water commissioners by public advertisement, so that ample time may be given for the reception of proposals therefor; in every advertisement, the proposals invited shall be set forth with as much precision as possible, and it shall be distinctly stated in such advertisement that no extra allowance, above the contract price agreed upon, will be made under any pretext whatsoever; each contract shall, in all cases, be awarded to the lowest bidder therefor, who shall give bond, with ample security, for the faithful performance of the contract; all such bonds shall be executed to "the president and council of the city of Paterson," and deposited for safe keeping in the office of the clerk of said city, and no extra allowances shall be made, by said water commissioners, to any contractor or contractors; all contracts involving a greater amount than one hundred dollars, and all contractors' bonds shall be presented to and approved of by the president and council of said city before said contract shall take effect.

8. *And be it enacted*, That when said works shall have Proceedings in case of refusal to pay water rents. been sufficiently completed, the said water commissioners shall have authority to make contracts, in the name of the president and council of said city, to furnish water to individuals, and to establish such general rates of price, and times of payment thereof, as they may deem proper, and to prescribe such rules, regulations, conditions, and restric-

tions, as to the use of the water, as may, in their opinion, be necessary to prevent abuse; and said water commissioners shall have power, and it shall be their duty, to stop off the water from any premises, the owner or occupants of which shall have neglected to pay such price, at the time specified for the payment thereof, or shall have violated, or permitted the violation of, any of said rules, regulations, conditions, or restrictions; and whenever the said water commissioners shall have caused the water to be stopped off from any premises, for either of the causes aforesaid, they shall not permit the same to be restored until the applicant for such restoration shall have paid all arrearages of water rent, together with the expense incurred in stopping off the water; or in case said water shall have been stopped off by reason of any violation of the rules aforesaid, then they shall not permit the same to be restored until the expense of stopping off the same shall have been paid by the applicant for such restoration, and such applicant shall have given satisfactory security or assurance that such violation shall not again occur.

Commissioners may employ agents.

9. *And be it enacted*, That the said water commissioners shall have power to employ proper persons in the management of the works aforesaid, and in the collection of the said water rents, upon such terms as they may deem reasonable; *provided*, that no regular salaries or commissions shall be allowed or paid by said water commissioners, without having been first by them submitted to and approved of by the president and council of said city.

Fire plugs to be erected.

10. *And be it enacted*, That it shall be the duty of said water commissioners to erect fire plugs in the public streets of said city, through which pipes for the supply of water shall have been laid, in such number and locations as the president and council of said city may from time to time direct, and to supply the same with water from the aforesaid works.

Penalty for injuring works.

11. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever whereby the said works, or any pipes, conduit, canal, plug, cock, tank, cistern, reservoir, or any other thing appertaining to the same, shall be stopped, obstructed, or injured,

the person or persons so offending shall, upon conviction thereof before any police magistrate of said city, forfeit and pay the sum of fifty dollars, with costs, which sum shall be collected in the name of the president and council of said city, and shall be paid over to treasurer of said city.

12. *And be it enacted*, That if any person or persons shall wilfully pollute or adulterate the waters in any reservoir erected under the provisions of this act, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding three years, or both, at the discretion of the court before whom such conviction shall be had.

13. *And be it enacted*, That it shall be the duty of the president and council of said city, from time to time, at the request of the said water commissioners, to issue the bonds of said city for an amount not exceeding, in the whole, the sum of seventy-five thousand dollars; these bonds shall bear a rate of interest not exceeding six per cent. per annum, payable semi-annually, the principal thereof to be payable on the first day of July, in the year eighteen hundred and eighty-two, or sooner, at the option of said city; it shall be the duty of the treasurer of said city to make sale of the bonds, so issued as aforesaid, at not less than their par value, and to pay the proceeds of said sales to said water commissioners, to be by them appropriated to the discharge of the duties imposed upon them by this act; the loan hereby authorized shall be called the water loan of said city.

14. *And be it enacted*, That the bonds issued under the provisions of this act shall not be liable to any tax which may hereafter be levied by order of the president and council of said city.

15. *And be it enacted*, That all the revenues which may be derived from the rents of water authorized by this act, and from other sources connected with said works, shall be received by said water commissioners, and so much of the same as may be necessary shall be appropriated by them, under the restrictions herein before provided, to the maintenance, preservation, and extension of said works.

the said water commissioners shall also pay, semi-annually, from said revenue such sums to the city treasurer as shall be sufficient to pay the semi-annual interest accruing on the bonds authorized by this act ; the residue of said revenues shall be paid over, semi-annually, by the water commissioners to the treasurer of said city, to be by him invested, under the direction of the president and council of said city, and, with the accumulation thereof, reinvested, under the like direction for the final extinguishment of said water loan.

Semi-annual
interest, how
paid.

16. *And be it enacted*, That in the month of May, in each and every year, it shall be the duty of said water commissioners to certify to the president and council of said city what, in their opinion, will be the net revenue of the said works for the ensuing year, applicable to the payment of the semi-annual interest on said water loan ; and it shall thereupon be the duty of said president and council to add to the amount of taxes for that year such sum as, having due regard to said estimate, said president and council may deem sufficient, together with the net revenue of said works, to pay the semi-annual interest on said water loan.

Funds to be
deposited in
bank.

17. *And be it enacted*, That it shall be the duty of said water commissioners to keep all funds which may come to their hands on deposit with a bank located in said city, or in the cities of Newark or New York ; and they shall draw said funds by checks upon said bank, to be signed by at least two of their number, which said checks shall specify briefly the purposes for which the same are drawn ; and the said water commissioners shall keep accurate accounts of their receipts and disbursements in proper books, to be by them provided for the purpose, which shall always be open for the inspection of the president and council of said city and their authorized agents, and which accounts shall be annually, in the month of March, audited by a committee of said council, and an abstract thereof shall be published with the annual statement of the city finances ; every water commissioner, at the expiration of his term of office, shall deliver to his cõcommissioners all books and papers which he may have in his possession or custody by virtue of his said office ; and all books and papers of said water

commissioners, which are no longer currently needed by them, shall be deposited with the clerk of said city, who is hereby required to keep them safely in his office, but with liberty to said water commissioners, at all times, to examine the same in said clerk's office.

18. *And be it enacted*, That an election by ballot shall be held, on the third Monday in April next, in each of the wards of said city, at the places of holding the last election in said city, and upon like notice, at which election the electors of said city shall vote upon the question of supplying water to said city, as authorized by this act; those in favor of that object depositing ballots with the words "For water," written or printed thereon, and those opposed thereto depositing ballots with the words "Against water," written or printed thereon; the poll of such election shall be opened at nine o'clock in the forenoon, and shall be kept open till four o'clock in the afternoon, and the election officers of the several wards shall conduct such election; and in case of vacancy from any cause, such vacancy shall be filled by the electors of the ward in which the same may arise before the opening of the poll; after counting off the votes polled, the result of said election in each ward shall be certified, by the election officers in each ward, to the president and council of said city; and if it shall appear that a majority of the electors of said city, voting at such election, have voted for water, then this act shall be deemed to take effect immediately; but if a majority of the said electors shall have voted against water, then it shall be lawful for the president and council of said city to submit the same question to the voters of said city for their decision, in the manner aforesaid, at a special election, whenever they may deem proper; *provided*, that not more than one election for such purpose shall be ordered in any one year; and whenever, at any such election, a majority of the persons voting thereat shall be found in favor of supplying the said city with water, according to the provisions of this act, the same shall go into operation and take effect, and not otherwise.

Election to be held on supplying city with water.

Proviso.

Approved March 26, 1852.

CHAPTER CC.

AN ACT to incorporate the Mount Holly and Pemberton Turnpike Road Company.

Company in-
corporated.

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 herein after mentioned, their successors and assigns, shall be, and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Mount Holly and Pemberton Turnpike Road Company," and that Daniel T. Bennett, Samuel R. Gaskill, James Lippincott, jun., Job Gaskill, Thomas D. Budd, and Solomon S. Middleton, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places, in the county of Burlington, 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 one or more of the newspapers published in the county of Burlington.

Commission-
ers to open
books of sub-
scription.

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 any sum not exceeding thirty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, at the time of subscribing to said stock, the sum of two dollars and fifty cents 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 that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said instalment, 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, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

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 three hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore 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 for the term of one year, a majority of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, 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 said board; 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, in person or by proxy; and that if three hundred shares of said stock shall not be subscribed for within three years, and the said road completed within five years from the passage of this act, then this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid.

4. *And be it enacted*, That as soon as conveniently may be after the first and every subsequent election of directors, they shall elect from their number a president of said

Annual election of directors.

Election of president.

company, for the term of one year and until another shall be elected, who shall be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence the said board shall appoint some 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 appoint a treasurer, and such other officers, agents, superintendents, and servants, as may be required to transact the business of said company, with such compensation as they may determine upon; 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 the 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 such 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 account of the affairs of the company during their said term.

Description of road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road from Mount Holly, in the county of Burlington, to the borough of Pemberton, in said county, on or near the present public highway leading from Mount Holly to Shreveville; thence the most direct and convenient route, keeping upon the north side of the Rancocas creek, to the borough of Pemberton aforesaid, at least thirty-two feet in width, and not exceeding four rods; which said road shall be sufficiently arched and drained to make and keep the same dry; and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and 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 construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty-two 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 upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off; 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, clay, or other materials, for constructing and improving said road as aforesaid; *provided*, that before the said company shall construct the said 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 will sustain by reason of the construction of said road; and in case the said company and said 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 herein after provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, gravel, or other materials, from his or her lands, for the construction or maintaining of said road. Proviso

7. *And be it enacted*, That in case it should happen that an election of directors shall not be made on the day or at the time, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall be chosen in their places. Corporation not to be dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and workmen, and other persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damages thereto, and to make all such ditches and underdrains across and Proceedings in case owners of land and company cannot agree.

through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth, suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by the said company, their agents or workmen, before the said company, or any person in their employ, shall enter upon or break ground in the premises (except for the purpose of surveying said route), unless the consent of the owner or owners of such land, or their legal representatives, be first had and obtained; and if the owners of the land and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Burlington, who is disinterested in the premises, upon application by either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, citizens of this state, to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Burlington, to be by him filed as a public record, and certified 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 circuit court of the county, at the first term to be holden after such decision of the commissioners, by proceeding in the form of petition to said court, with, at

Parties aggrieved may appeal.

least, five days' notice in writing to the opposite party of such appeal, which appeal shall vest in said court full right and power to hear and adjudge the same; and, if required, they shall award a venire for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of said materials and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit, against said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with said company, then it shall be the duty of said corporation to pay the amount of any award or report, so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of the said owner or owners, all which proceedings shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

9. *And be it enacted*, That as soon as the said company Rates of toll. shall have constructed the said road, according to the directions of this act, or any three consecutive miles thereof, it shall and may be lawful for said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile of the said road, not exceeding the following rates, to wit:

For every carriage, wagon, 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, five mills.

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 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 to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones
or posts to
be erected.

10. *And be it enacted*, That before the said company shall receive toll for travelling on said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the same, and on each stone or post shall be fairly and legibly marked the distance said stone or post is from Mount Holly and Pemberton; 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.

11. *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, for the information of the people travelling 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, any gates, turnpikes, or bridges that shall be erected pursu-

ant 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 cost of suit; and if any person, with his carriage, team, or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall 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.

12. *And be it enacted*, That if any tollgatherer 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, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with cost of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded. Penalty for illegal tolls.

13. *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 the said highway, in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars, to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit. Penalty for obstructing passage.

14. *And be it enacted*, That if the said company shall not keep the said road and bridges in good repair; and complaint thereof shall be made to any judge of the court of common pleas of said county, who may be disinterested, the said judge 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 Proceedings in case road and bridges are not kept in repair.

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, of at least twenty hours before the time of meeting, shall meet at such place and time as the said judge shall appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road or bridges 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, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with cost 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 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, 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 persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the manner above described, one or more respectable persons 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.

15. *And be it enacted*, That this act shall not take effect

until the public highway upon which the said turnpike road is authorized to be located and made is vacated as a public highway according to law. When act to take effect.

16. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Limitations and restrictions.

Approved March 26, 1852.

CHAPTER CCL.

AN ACT to amend an act entitled, "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one.

1. *BE IT ENACTED by the Senate and General Assembly* Amendment to third section. of the State of New Jersey, That the third section of an act entitled, "An act to incorporate Jersey City," approved the eighteenth day of March, eighteen hundred and fifty-one, be amended, by striking out the words, "overseer of the poor," and the words "street commissioner," where they secondly occur in said section, and by inserting, after the words "and treasurer," where they lastly occur in said section, the words "overseers of the poor, street commissioner."

2. *And be it enacted*, That the twentieth section of said act be amended, by inserting, after the words "counter-signed by the city clerk," the words following, "except for the payment of bonds of the city and certificates of indebtedness for improvements given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and assessments." Amendment to twentieth section.

Amendment to twenty-first section. 3. *And be it enacted*, That the twenty-first section of said act be amended, by inserting, immediately after the words "books, papers, and documents of the city," the words "except when the common council shall, by ordinance, otherwise direct."

Amendment to thirty-second section. 4. *And be it enacted*, That the thirty-second section of said act be amended, so as to provide for the election of aldermen in each ward of said city on the second Tuesday of April in each year, by striking out the word "Monday," and, in the place thereof, inserting the word "Tuesday."

Amendment to thirty-sixth section. 5. *And be it enacted*, That the thirty-sixth section of said act be amended, by inserting, immediately after the words "that every ordinance of the common council," the words "and every resolution of the common council affecting the interests of the city," and also by adding, at the end of said section, after the words "previous stated meeting," the words "and shall have been agreed to by at least nine of the members of the common council."

Amendment to the sixth clause of the forty-second section. 6. *And be it enacted*, That the sixth clause or subdivision of the forty-second section of said act be amended, by striking out the words "or plank and gutter the streets, and", where they first occur in said clause or subdivision, and by inserting, in the place thereof, the words following, to wit: "and plank and curb, and gutter the streets; to flag the sidewalks; to fill sunken lots; to repair the sidewalks, or any them, or any part thereof; to reset the curb and gutters in the streets."

Amendment to the eighth clause of the forty-second section. 7. *And be it enacted*, That the eighth clause or subdivision of the forty-second section of said act be amended, so as to read as follows: "to declare, by general ordinance, what shall be considered nuisances in lots, streets, docks, wharves, and piers, and to direct, provide for, and enforce their removal, and to provide for the sale or other disposition of all encumbrances on the streets, sidewalks, docks, wharves, and piers."

Amendment to eleventh clause of the forty-second section. 8. *And be it enacted*, That the eleventh clause or subdivision of the forty-second section of the said act be amended, by inserting, immediately after the words "inns or taverns," the words "and to prohibit all traffic in or sale

of intoxicating drink or drinks, and to license, regulate, and prohibit."

9. *And be it enacted*, That the fourteenth clause or subdivision of the forty-second section of said act be amended, by striking out therefrom the words "in all public houses and places."
Amendment to fourteenth clause of the forty-second section.

10. *And be it enacted*, That the forty-third section of said act be amended, by inserting, immediately after the words "in any one year," the words "unless the repayment thereof shall be provided for from the taxes to be raised in said city in any such year, and also by striking out the word "fifty," and, in the place thereof, inserting the words "seventy-five."
Amendment to forty-third section.

11. *And be it enacted*, That the fourth section of said act be amended, by inserting, after the words "both of residents and nonresidents," the words "except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for schools or academies, as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the mayor and common council of Jersey City."
Amendment to fourth section.

12. *And be it enacted*, That the forty-fifth section of said act be amended, by striking out the words "at the time appointed by law for the payment thereof," where they first occur in said section, and by inserting, in the place thereof, the words "on or before the twentieth day of December, in each year," and also by striking out the words "common council of said city on the twentieth," where they first occur in said section, and by inserting, in the place thereof, the words "said city on the thirtieth."
Amendment to forty-fifth section.

13. *And be it enacted*, That the forty-sixth section of said act be amended, by striking out the words "at the time appointed by law for the collector of the said city to return a list of the delinquent tax payers," and by inserting, in the place thereof, the words "after the twentieth day of December, in every year."
Amendment to forty-sixth section.

14. *And be it enacted*, That the fifty-second section of said act be amended, by striking out the words "and paving streets, and for building wells, pumps," where they first occur in said section, and by inserting, in the place
Amendment to the fifty-second section.

thereof, the words "bridging, planking, and paving streets, and for flagging sidewalks, and for filling and refilling sidewalks, and for repairing and resetting flagging in or on the sidewalks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for filling sunken lots, and for building wells, pumps, cisterns, drains," and also by striking out the words "four weeks," where they first occur in said section, and by inserting, in the place thereof, the words "twenty days," and also by striking out the words "which report shall be filed in the office of the city clerk, and by him recorded in the assessment book, and", where they occur near the close of said section, and by inserting, in the place thereof, the words "which report and map shall be filed in the office of the city clerk, and be by him recorded in the assessment book, whereupon the said clerk shall cause to be inserted in at least one of the newspapers published in said city, for at least ten days, a notice of the filing of said report; and that the common council will meet at a time and place, to be specified in said notice, to consider said assessment, and to receive and consider all objections thereto, which may be presented in writing; and if the common council, shall confirm said assessment."

Amendment
to fifty-fifth
section.

15. *And be it enacted*, That the fifty-fifth section of said act be amended, by striking out the words "or constructing sewers," where they first occur in said section, and by inserting, in the place thereof, the words "or for constructing any sewer," and also by striking out the word "thirty," where it first occurs in said section, and by inserting, in the place thereof, the word "ten," and also by inserting, immediately after the words "shall determine to open, alter, or widen said street," where they first occur in said section, the words "or alter the grade of said street, or any part thereof," and also by inserting, immediately after the words "within ninety days after their appointment," where they first occur in said section, the words "except on applications for the construction of any sewer, in which cases the said commissioners shall file said report and map with the city clerk within thirty days after their appointment," and also by striking out the words "and thereupon the

city clerk shall give notice of the filing of such report within ten days thereafter," where they first occur in said section, and by inserting, in the place thereof, the words "the city clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him," and also by inserting, immediately after the words "if the owner of any land taken," where they first occur in said section, the words "who has filed a remonstrance against any such improvement," and also by inserting, immediately after the words "or if the owner of any lands assessed," where they first occur in said section, the words "who has filed a remonstrance against any assessment," and also by inserting, immediately after the words "and shall review the proceedings of the said commissioners," where they first occur in said section, the words "appointed by the common council," and also by striking out the words "such improvement," where they lastly occur in said section, and by inserting, in the place thereof, the words "any improvement authorized by this act," and also by inserting at the end of said section, immediately after the words "shall be conclusive evidence of such assessment," the words following, to wit, "and whenever, within said city, any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the common council, it shall be lawful for the common council to charge, receive, and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per cent. per annum, from the time of confirmation of such assessment until the same is paid; the due publication and posting of all ordinances and notices required to be published or posted by the provisions of this act, shall be verified by the 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 city clerk, and shall be evidence of such publication and posting in all courts and places."

16. *And be it enacted*, That the fifty-ninth section of the said act be amended, by striking out the words "some per-
Amendment
to fifty-ninth
section.

son lawfully authorized," and, in the place thereof, insert the words "the mayor or city clerk."

Amendment
to the sixty-
second sec-
tion.

17. *And be it enacted*, That the sixty-second section of said act be amended, by striking out the words "he or they giving ample security for doing the same according to contract," and by inserting, in the place thereof, the words "who will comply with all the requirements of the common council, and will give ample security for doing said work and furnishing said materials according to contract."

Amendment
to sixty-fifth
section.

18. *And be it enacted*, That the sixty-fifth section of said act be amended, by striking out the words "section shall not apply to claims on bonds given by the city," at the end of said section, and by inserting, in the place thereof, the words "title shall not apply to claims on bonds or certificates of indebtedness for improvements given by the city, or to moneys paid into the city treasury for redemption of property sold for taxes or assessments."

Amendment
to seventy-
first section.

19. *And be it enacted*, That the seventy-first section of said act be amended, by striking out the word "altered," and by inserting, in the place thereof, the word "increased."

Parts of for-
mer act re-
pealed.

20. *And be it enacted*, That all such parts of said act as are inconsistent with any of the provisions of this act are hereby repealed, and that said act shall hereafter be taken and read as if the amendments and alterations by this act provided for had originally been made in said act.

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

Approved March 26, 1852.

CHAPTER CCII.

AN ACT to provide for the collection of the taxes due from banks and banking associations of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer be, and he is hereby authorized and directed to demand and receive from the incorporated banks and banking associations of this state, which have refused to pay the tax imposed by law upon their capital stocks, one half of one per cent. upon the capital paid in on and before the first day of January, eighteen hundred and fifty-one; and in cases where additional capital has been paid in since that time, at the same rate per annum, from the time of such payment to the first day of January last; and in cases where banking associations have commenced business since the first day of January, eighteen hundred and fifty-one, at the same rate per annum upon the capital paid in from the time of such payment to the first day of January last; *provided*, that if Treasurer to make demand of amount due. any incorporated bank or banking association shall have paid more tax for the year ending on the first day of January last, than would be required at the rates herein prescribed, it shall be the duty of the treasurer to refund the excess to such bank or association. Proviso.

2. *And be it enacted*, That the treasurer be, and he is hereby directed, as soon as may be after the approval of this act, to transmit a copy of this act to each of the said banks and banking associations, by mail, together with a statement and demand of the amount of tax due from each; and if any such bank or banking association shall neglect or refuse to pay the tax so demanded for thirty days after the approval of this act, then and in that case it shall be the duty of the attorney general to proceed against every such defaulting bank or banking association, by petition to the chancellor for injunction and appointment of receivers; and upon proof that any bank or banking association hath neglected or refused to pay the tax so demanded by the treasurer, it shall be the duty of the chancellor to issue an in- Proceedings in case of refusal to pay tax.

Proviso.

junction and appoint receivers, as in cases of insolvency, who shall proceed, in all respects, as nearly as may be, according to the provisions of the act entitled, "An act to prevent frauds by incorporated companies," approved April fifteenth, eighteen hundred and forty-six; *provided*, that all proceedings against any such bank or banking association shall be discontinued upon payment of the tax awarded and all cost.

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

Approved March 26, 1852.

CHAPTER CCIII.

AN ACT regulating the proceedings of courts in cases of erroneous taxation.

Assessment
of taxes not
to be set a-
side in cer-
tain cases.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no assessment of taxes shall hereafter be reversed, avoided, or set aside upon any certiorari, brought, or to be brought, in any court of this state, because the state, county, township, borough, ward, or city taxes, or any of them, are blended together, nor because the aggregate amount of money levied or assessed in any township, borough, ward, or city, for taxes, is greater than called for by the law, resolution, or resolutions raising, voting, or granting the same, nor because any such assessment is made, upon any person or persons, body politic or corporate, his, her, or their property, at a rate or proportion higher or greater than authorized or required by the law, ordinance, resolution or resolutions, order or vote, raising, voting, or granting the money or moneys for which the said assessment of taxes is made.

Court may
amend as-
sessment.

2. *And be it enacted*, That if it shall appear, to the satisfaction of any court wherein any certiorari is or may be

brought, that any assessment of taxes removed thereby is at a rate or proportion higher or greater than authorized or required by the law, resolution, order, or vote authorizing such assessment, or that the amount or value of taxable property, for which any person is therein assessed, is too great, said court shall amend such assessment so removed as aforesaid, and reduce the same to the proper and just amount, and thereupon affirm the same according to such amendment and reduction, and reverse the same as to the excess only; and the court shall have power to adopt such rules and proceedings as may enable them to make the said amendment, and carry into effect the true intent and meaning of this act.

3. *And be it enacted*, That no return of taxes or list of delinquents, made by any township, borough, ward, or city collector, nor the proceedings touching or concerning such return, nor any tax warrant, shall be set aside or reversed on certiorari, or otherwise, for any lack of form which does not impair the substantial rights of the plaintiff in certiorari. Tax warrants, &c., not reversed for lack of form.

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

Approved March 26, 1852.

CHAPTER CCIV.

AN ACT to incorporate the Tom's River and Barnegat Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph R. Oliphant, John Preamore, Amos Falkenburgh, Thomas P. Barkelow, and Thomas W. Ivins, and such persons as may become associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of "the Tom's River and Barnegat Steamboat Com- Names of corporators.

pany," for the purpose of conducting and maintaining a line or lines of steamboat or boats from the village of Tom's River, or as near thereto as the navigation will permit, on the waters of Tom's river and Barnegat bay, to New York; and, for that purpose, shall be capable of purchasing, or otherwise receiving and becoming possessed of, and holding or conveying, such real and personal estate as the purposes of the corporation shall require for docking, building warehouses, &c.; *provided*, such real estate shall not exceed in cost the sum of ten thousand dollars.

Proviso.

Commissioners to open books of subscription.

2. *And be it enacted*, That Joseph R. Oliphant, John Preamore, Amos Falkenburgh, Thomas P. Barkelow, and Thomas W. Ivins, or a majority of them, shall be commissioners to receive subscriptions and distribute the capital stock in said company, who shall open a book or books for such subscriptions, at such times and places, in the village of Tom's River and Waertown, as they, or a majority of them, shall think proper.

Election of directors.

3. *And be it enacted*, That the stock, property, and affairs of said company shall be managed by five directors, being stockholders, a majority of whom shall be citizens of this state, one of whom shall be president, who shall hold their offices for one year and until others are elected in their stead; the first directors shall be elected at a meeting of the stockholders, to be called by the said commissioners, or a majority of them, at such place and time, after one-third of the capital stock shall be subscribed and distributed, as the said commissioners, or a majority of them, shall think proper; and thereafter the directors shall be chosen by the stockholders, at such time and place, at Waertown, as may be provided by the by-laws of said corporation; public notice of the time and place of holding every such election, and all other meetings of the stockholders, shall be given, not less than twenty days previous, in a newspaper printed either in Freehold or the village of Tom's River; every stockholder shall be entitled to a vote, either in person or by his authorized agent or proxy, at all meetings of the stockholders, upon each share of the stock held by him or her.

4. *And be it enacted*, That the capital stock of said com-

pany shall not exceed fifty thousand dollars, to be divided Amount of capital stock. into shares of one hundred dollars each; and it shall be lawful for the said company to commence their said business so soon as twenty thousand dollars of the capital stock shall be subscribed and paid in, and thereafter the directors, or a majority of them, may receive subscriptions for such part of the balance of the said capital, from time to time, as they may deem necessary, and distribute the same; and the directors, or a majority of them, may call in from the stockholders, respectively, all such sums by them subscribed, at such times and in such instalments as they may deem proper, under penalty of forfeiture of the shares, and all previous payments thereon, if such payments be not made within thirty days after notice requiring such payment shall have been published four weeks in a newspaper published in either the village of Tom's River or Freehold.

5. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and be transferable in such manner as the by-laws of the company shall direct; but no transfer of such stock shall be valid or effectual until such transfer shall be made, entered, or registered in the books to be kept by the directors for that purpose; and no transfer shall be made of any stock whereon any sum is due, or any instalment called in, or which is held by any person otherwise indebted to the said company, until such sum, instalment, or debt be paid, without the consent of a majority of the directors; and until such payment, no dividend shall be paid upon such shares, but may be applied to such payment. Transfers to be registered

6. *And be it enacted*, That in case it should at any time happen that an election should not be made when pursuant to the provisions of this act it ought to be made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to make such election at such other time as may be prescribed by the by-laws of the said corporation. Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That if the amount of capital herebefore made necessary to be subscribed and paid in to enable said company to commence business, be not subscribed and paid in within two years from the passage of Act void if stock is not subscribed for in one year.

this act, then this act, and all subscriptions under it, shall be null and void ; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid by them.

Act void if
boats discon-
tinue run-
ning.

8. *And be it enacted*, That after the said company shall have commenced running a steamboat or boats from the village of Tom's River to New York, as aforesaid, if, from any neglect of said corporation, the steamboat or boats shall at any time be discontinued to run as aforesaid, for the space of one year, then this act, and all subscriptions under it, shall be null and void ; and in case said corporation shall be seized of any real estate, the directors shall make sale of the same, after having advertised as is now required by law in the case of auditors, and return the proceeds of such sale, together with the proceeds of the sale of the personal property and assets of the same, as provided in the next preceding section.

Statement of
affairs to be
made.

9. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, and shall give to the stockholders, whenever by them required at a regular meeting, a full statement of all the affairs of the company.

Company
authorized
to build
wharves.

10. *And be it enacted*, That the said company shall be empowered to build wharves, storehouses, aqueducts, or water pipes and reservoirs for the conveyance of, and retaining water for the use of their steamboats, and erect such other appurtenances as may be required for purposes appertaining thereto ; *provided*, the rights of navigation or of individuals shall not be interfered with.

Approved March 26, 1852.

CHAPTER CCV.

A supplement to the act entitled, "An act to incorporate the Chingarora Dock Company of Keyport," approved February twenty-first, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act, to which this is a supplement, be, and the same is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That the said corporation may, and when requested so to do shall, agree by the year, by the captain or owner or owners of any vessel or vessels that may run to and from said dock or wharf, for any amount of wharfage not exceeding the rates aforesaid, and when any such agreement shall be for a year, the amount of wharfage shall not exceed seventy-five cents per ton of any such vessel for one year. Agreements may be made for wharfage for one year.

Approved March 26, 1852.

CHAPTER CCVI.

A supplement to the act entitled, "An act to regulate and widen the draws in the bridges over the Hackensack river," passed March third, one thousand eight hundred and twenty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all bridges that have been, or shall hereafter be erected over the tide water of the Hackensack river, shall have draws not less than forty feet wide in the clear, except the old and new bridges, situate near the head of tide water, which shall remain as heretofore. Description of draws.

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

Approved March 26, 1852.

CHAPTER CCVII.

A supplement to the act entitled, "An act to prevent accidents from the use of locomotive engines on railroads," passed March ninth, one thousand eight hundred and thirty-nine.

Bell or steam
whistle to be
used.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every incorporated company that hath been, or hereafter may be authorized to construct any railroad in this state, shall cause to be placed on some part of every locomotive engine used by any such company, a bell, of a weight not less than thirty pounds, or a steam whistle, which can be heard distinctly at a distance of at least three hundred yards, and shall cause such bell to be rung, or such steam whistle to be blown, at the distance of at least three hundred yards from the place where any such railroad crosses a turnpike road or highway upon the same level with the said railroad; and such bell shall be kept ringing, or such steam whistle shall continue to be blown, until the engine has crossed such turnpike or highway, or has stopped.

Penalty for
refusal to
comply.

2. *And be it enacted*, That any company which shall refuse to comply with the provisions of this act, or the act to which this is a supplement, shall be liable to all the penalties contained in the act, to which this is a supplement; *provided*, that all complaints of any refusal or neglect to comply with said provisions shall have been made within ten days after any such neglect or refusal.

Proviso.

Part of for-
mer act re-
pealed.

3. *And be it enacted*, That this act shall take effect immediately, and all provisions of the act, to which this is a supplement, which may be inconsistent with this act, be, and the same are hereby repealed.

Approved March 26, 1852.

CHAPTER CCVIII.

AN ACT relative to the lunatic asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the lunatic asylum are authorized to procure and erect a steam engine, of sufficient power to furnish the asylum with an adequate supply of water, and to erect the proper fixtures and apparatus for conveying and receiving the same, and that, for the purpose of defraying the expenses thereof, the treasurer is authorized to pay, out of the state treasury, the sum of thirty-five hundred dollars. Managers authorized to procure steam engine

2. *And be it enacted*, That the sum of seven thousand five hundred and seventy dollars be paid by the treasurer, out of the state treasury, to defray the current expenses of the lunatic asylum, and that this act shall take effect immediately. Appropriation for incidental expenses.

Approved March 26, 1852.

CHAPTER CCIX.

AN ACT to provide for the service and publication of notices of legal proceedings in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of proceedings to be had under the provisions of any statute or statutes of this state, to appraise the value of any lands required for the construction of any railroad, turnpike, or plank road, and to award concerning the same, where notice to the owner or owners of such land cannot be served in the manner now prescribed by law, and the execution of the powers conferred by law require it, it shall and may be lawful for the court in which, or the judge before whom such proceeding shall be commenced, to prescribe in what manner Court may prescribe manner of giving notice in certain cases.

such notice shall be served or published; and service or publication thereof, in the manner prescribed, shall be valid and effectual to bind the parties to such proceeding, and their estate.

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

Approved March 26, 1852.

CHAPTER CCX.

A supplement to the act entitled, "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six.

Additional
commission-
ers to be ap-
pointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state, in addition to the commissioners now authorized to be appointed by the said act, and the supplements thereto, be, and he is hereby authorized, by and with the advice and consent of the senate, to name, appoint, and commission three commissioners, in each of the states of New York, Pennsylvania, Virginia, Illinois, California, Ohio, Michigan, Massachusetts, Kentucky, South Carolina, and Indiana, in addition to those now authorized by law, which said commissioners shall have the same powers and fees, and perform the like duties, and be subject, in all respects, to the same provisions and restrictions, of the other commissioners authorized to be appointed by the said original act, and the supplements thereto; *provided*, that not more than one of the additional commissioners, authorized to be appointed by this supplement, shall be appointed and commissioned for the city and county of Philadelphia, and not more than one for the city of New York.

Proviso.

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

Approved March 26, 1852.

CHAPTER CCXI.

AN ACT to defray incidental expenses.

1. BE IT ENACTED *by the Senate and General Assembly* Certain incidental charges authorized to be paid. *of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons, herein after named, the following sums, viz :

1. To Henry M. Lewis, for stationery furnished per contract, one hundred twenty-six dollars and seventy-two cents, (\$126.72).

2. To Henry B. Chumar, for stationery furnished per contract, one hundred and eighty-two dollars and twenty-one cents, (\$182.21).

3. To David Clark, for stationery furnished per contract, three hundred and twenty-nine dollars and ninety-five cents, (\$329.95).

4. To Charles Scott, for stationery furnished per contract, seven hundred and fifteen dollars and fifty-nine cents, (\$715.59).

5. To Charles Scott, for stationery furnished for office of secretary of state, sixty-two dollars and twenty-six cents, (\$62.26).

6. To Charles Scott, for stationery furnished for executive department, fifty-three dollars and ninety-six cents, (\$53.96).

7. To Charles Scott, for stationery furnished for court of errors, forty-four dollars, (\$44).

8. To Charles Scott, for stationery furnished for office of the treasurer, sixteen dollars, (\$16).

9. To Charles Scott, for stationery furnished for office of the clerk in chancery, fifty-one dollars and ninety-four cents, and for record books for same office, eighty-seven dollars, both items amounting to one hundred and thirty-eight dollars and ninety-four cents, (\$138.94).

10. To Charles Scott, for stationery furnished for office of the clerk of the supreme court, twenty-six dollars and eighty-seven cents, (\$26.87).

11. To William Pearson, for sundry repairs to locks, &c.,

in senate and assembly rooms, twelve dollars and eleven cents, (\$12.11).

12. To Charles Scott, for stationery furnished by order of the clerk of assembly, eighty-three dollars and eleven cents, (\$83.11).

13. To David Clark, for stationery for use of the library, twenty-four dollars and twenty-one cents, (\$24.21).

14. To Sylvester Van Sickell, for sundry incidental expenses paid by him for account of library, fourteen dollars and twenty-five cents, (\$14.25).

15. To William De Hart, for sundry incidental expenses paid by him for account of library, ten dollars and twenty-five cents, (\$10.25).

16. To Israel Fish and S. Van Sickell, for making inventory and appraising property at lunatic asylum, thirty dollars, (\$30).

17. To Benjamin Moorehouse, for stationery for use of library, four dollars and six cents, (\$4.06).

18. To Benjamin Moorehouse, for stationery for use of supreme court, five dollars and twenty-five cents, (\$5.25).

19. To James Wilson, for stove and paper case for office of the clerk of the supreme court, ten dollars and fifty cents, (\$10.50).

20. To Andrew R. Titus, for carpet and oil cloth for the office of the clerk of the supreme court, fifty dollars and five cents, (\$50.05).

21. To Andrew R. Titus, for oil cloth for the office of the secretary of state, five dollars and forty-eight cents, (\$5.48).

22. To Elias Phillips, for sundries for the library and the office of the secretary of state, five dollars and fifty-four cents, (\$5.54).

23. To J. G. Brearley & Co., for sundries, twenty-nine dollars and ninety-eight cents, (\$29.98).

24. To Runyan Toms, for carriage hire for the committees to the state prison and lunatic asylum, twenty-three dollars, (\$23).

25. To Garret S. Cannon, for services and expenses in conveying and delivering, by appointment of the governor,

the joint resolutions of the legislature in relation to Louis Kossuth, eighty dollars, (\$80).

26. To Isaac W. Mickle, for services, as private secretary of the governor, during the present session of the legislature, seventy-five dollars, (\$75).

27. To Charles Parker, Samuel S. Stryker, and William Grant, for appraising the property at the state prison, ninety dollars, (\$90).

28. To Charles Scott, for stationery ordered and furnished at close of last session of the legislature, certified by John Rodgers, secretary of senate, twenty dollars and sixty-four cents, (\$20.64).

29. To Charles Scott, for stationery furnished the engrossing clerk of the senate, twenty-one dollars and fifty-four cents, (\$21.54).

30. To Charles Scott, for stationery furnished the engrossing clerk of the house of assembly, twenty dollars and eighty cents, (\$20.80).

31. To Trenton Gas Light Company, for gas furnished to light state house and one street lamp, up to March twenty-third, eighteen hundred and fifty-two, sixty-five dollars and eighty-four cents, (\$65.84).

32. To S. & E. Roberts, for repairing clock in senate room, one dollar and fifty cents, (\$1.50).

33. To Edward H. Croser, for one pitcher for use of house of assembly, seventy-five cents, (\$.75).

34. To James McPherson, for one patent leather satchel for secretary of senate, two dollars and seventy-five cents, (\$2.75).

35. To S. Van Sickell, for sundries furnished for state house, sixty-seven dollars and seventy-five cents, (\$67.75).

36. To Benjamin F. Disbrow, for articles used in chancery office, supreme court office, and treasurer's office, thirty-nine dollars and twenty-five cents, (\$39.25).

37. To George H. Tindall, for sundry alterations and repairs to state house, one hundred and thirty dollars, (\$130).

38. To Brearley and Lanning, for sundries for state arsenal, thirteen dollars and forty-three cents, (\$13.43).

39. To Brearley & Lanning, for sundries, five dollars, (\$5).

40. To Daniel Childs, for work in chancery court room, six dollars, (\$6).

41. To Upton & Miller, for repairing and cleaning stoves, furnaces, &c., in state house, twenty-nine dollars and seventy-three cents, (\$29.73).

42. To Wilkinson & Blackfan, for lumber for repairs to state house, thirteen dollars and forty-seven cents, (\$13.47).

43. To Benjamin F. Yard, for printing blanks for use of treasurer, six dollars, (\$6).

44. To W. W. Norcross, for candles ordered by treasurer for use in court rooms, and alcohol to fill gas meter, thirty-six dollars and twelve cents, (\$36.12).

45. To Grant & Whittaker, for wood for use of library, eight dollars and twenty-five cents, (\$8.25).

46. To A. Barricklo, for sundry articles furnished, to be used in state house, eight dollars, (\$8).

47. To S. R. Smith, for trunk for chancery office, two dollars and twenty-five cents, (\$2.25).

48. To Charles Scott, for binding one hundred copies of statutes, forty dollars, (\$40).

49. To J. S. Fish & Co., for coal used in the arsenal, thirteen dollars and fifty cents, (\$13.50).

50. To Samuel R. Hamilton, quartermaster general, for postage, stationery, and transportation, as per account, twenty-four dollars, (\$24).

51. To Sager & Phillips, for lumber for boxes and alterations to state house, fifty-seven dollars and twenty cents, (\$57.20).

52. To D. S. Anderson, for labor and materials for repairs to state house, seventy-three dollars and eighty-three cents, (\$73.83).

53. To Charles Potts, for sundry examinations, and drawing designs in reference to a site for a true meridian line, authorized by a resolution adopted by the senate, on March eleventh, eighteen hundred and fifty-one, fifty dollars, (\$50).

54. To the president and directors of the Trenton water

works, for use of water one year, to the first of April, eighteen hundred and fifty-two, fifteen dollars, (\$15).

55. To Borden & Taggart, for advertising governor's thanksgiving proclamation, three dollars, (\$3).

56. To Crowell & Carll, for advertising governor's thanksgiving proclamation, in year eighteen hundred and fifty-one, seven dollars, (\$7).

57. To Donaldson & Brokaw, for printing blanks, ordered by the secretary of state, ten dollars, (10).

58. To Titus H. Stout, for making fires for legislature, seventy-six dollars, (\$76).

59. To Phillips & Boswell, for printing one thousand copies of general banking laws and supplements, by order of treasurer, thirty-eight dollars, (\$38).

60. To Phillips & Boswell, for printing blanks, by order of secretary of state, forty-nine dollars and twenty-five cents, (\$49.25).

61. To S. H. Blackwell, for sundries, scuttle, poker, &c., for the use of library room, two dollars and sixty-seven cents, (\$2.67).

62. To Morris R. Hamilton, for printing bills, pamphlets, &c., for senate and assembly, three thousand eight hundred and thirty-six dollars and fifty-two cents, (\$3,836.52).

63. To Theodore Titus, for expenses of committee on house of refuge, seventy-seven dollars, (\$77).

64. To Sherman & Harron, for advertising governor's proclamations in eighteen hundred and fifty, and eighteen hundred and fifty-one, and proposals for coal and stationery, nineteen dollars and eighty-nine cents, (\$19.89).

65. To each member of this legislature, for incidental expenses, thirty dollars, (30).

66. To J. M. Kreusen, to defraying expenses of five persons to preserve order during visit of Hon. Daniel Webster to house of assembly, ten dollars, (\$10).

67. To Charles Scott, for stationery furnished the secretary of senate, two hundred and fifty dollars and fifty-seven cents, (\$250.57).

68. To Phillips & Boswell, for printing two thousand copies of reports of the managers of the lunatic asylum

and copper plate engraving, two hundred and twenty-nine dollars and forty cents, (229.40).

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

Passed, March 29, 1852.

CHAPTER CCXII.

A supplement to the act entitled, "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and the laws of the United States," approved April sixteenth, eighteen hundred and forty-six.

No enrolled
copy of jour-
nals to be
made.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third and fourth sections of the act, to which this is a supplement, shall be so construed as to authorize the secretary of the senate and the clerk of the house of assembly to cause one copy of the journals of their respective houses, and the minutes of the joint meetings, and such parts of the executive journal of the senate, as the Senate shall order to be printed, to be prepared for the press, and that no enrolled copy of the journals, or either of them, shall hereafter be made.

Approved March 30, 1852.

CHAPTER CCXIII.

A further supplement to the act entitled, "An act to incorporate the city of Paterson."

Property to
be taxed in
wards where
the same
may be found

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all lands, tenements, and real estate, and all moneys, goods, and chattels, in the city

of Paterson, together with all public stocks not exempt from taxation by law, and all stocks of incorporated companies, where such stocks belong to residents of said city, shall be liable to taxation, in the several wards of said city where the same may lie or be found by the assessor, and shall be set down and estimated, by the assessors of the several wards, at the full value thereof; and the taxes hereafter directed to be levied upon persons and property in said city, or the wards thereof, except fire taxes, shall be levied and assessed upon the persons therein liable to a poll tax and the property aforesaid, against the owner, occupier, or possessor thereof, at such rate per dollar of the valuation aforesaid, as will be sufficient to produce the sum required, together with the fees for assessing and collecting the same, and a reasonable allowance for losses by delinquents, after deducting the poll tax.

2. *And be it enacted*, That the poll tax shall be levied and assessed upon each person liable to such tax in the ward where he resides at the time of the assessment, and that the taxes levied and assessed under this, or any other act, in said city, or the wards thereof, shall be collected in the manner provided by law; and that the provisions of the act entitled, "A supplement to the act entitled, an act concerning taxes," approved March fourteenth, eighteen hundred and fifty-one, shall not be in force or held to apply to matters of taxation in said city, or the wards thereof, except the provisions contained in the first, fifth, twelfth, and thirteenth sections of said supplement; *provided*, that nothing contained in this act shall prejudice or affect any proceedings now pending in any court relating to the levying, assessing, or collecting of taxes in the said city, or the wards thereof.

Manner of
assessing
and collect-
ing taxes.

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

Approved March 30, 1852.



JOINT RESOLUTIONS.

NUMBER I.

For relief of Robert Gwynne, of Salem county.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay to Robert Gwynne two hundred and thirty-nine dollars, thirty-four and a half cents, being the balance retained from his bill for printing the journals of the seventieth senate of the state of New Jersey.

Treasurer
authorized
to pay balance to R.
Gwynne.

Approved January 28, 1852.

NUMBER II.

In relation to Governor Kossuth and the doctrine of national non-intervention.

WHEREAS Louis Kossuth, governor of Hungary, exiled from his country because he made a gallant but unsuccessful struggle for his country's rights, has come to the United States, an invited guest of the nation—

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That Louis Kossuth be invited to visit this legislature, at its present session, that we may extend to him the hospitality of the state, and assure him of our sympathy.

2. *And be it resolved*, That in Louis Kossuth we recognise a true patriot, and the able and eloquent expounder of constitutional rights and liberties; that we sympathize with him and his countrymen, in the calamities which have be-

fallen their fatherland; that we deeply deplore that the recent glorious struggle for the freedom of Hungary was rendered unsuccessful by the treason of their general and the armed intervention of Russia, contrary to the principles of justice and international law; and that we trust, by the blessing of Divine Providence, that all his future efforts in the cause of his country may be crowned with success, and that the people of Hungary, now dispersed or down-trodden, may be restored to freedom and happiness, under the protecting care of a constitutional government, erected by themselves.

3. *And be it resolved*, That every nation has a right to alter, modify, abolish, or adopt its own form of government, and regulate its own internal affairs; and that an armed intervention of any other nation, to control or destroy this right, is an infraction of international law.

4. *And be it resolved*, That the supremacy of the non-intervention law, acknowledged by all nations, would tend to maintain national rights, prevent national wars, and give a lasting peace to the world.

5. *And be it resolved*, That our senators and representatives in congress be requested to obtain the passage of a resolution by congress, instructing the representatives of the United States to the governments of Europe, to urge upon those governments a declaration, that the forcible intervention of one nation, to regulate the internal affairs, or to alter, modify, abolish, or prescribe the form of government of another nation, is an infraction of the law of nations.

6. *And be it resolved*, That the governor be requested to transmit a copy of these resolutions to the president of the United States, to Louis Kossuth, and to each of our senators and representatives in Congress.

Approved January 29, 1852.

NUMBER III.

To provide for the safe keeping of the bonds, mortgages, and other securities belonging to, or deposited with the state,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be, and he is hereby authorized to have constructed, in his office, a vault for the safe keeping of the bonds, mortgages, and other securities belonging to, or held by the state, in trust or otherwise. Construction of vault authorized.

2. *And be it resolved*, That any sum not exceeding one thousand dollars be, and the same is hereby appropriated out of any funds in the treasury, not otherwise appropriated, to pay for the construction of said vault; *provided*, the accounts thereof shall first be audited, and certified to be correct, by the secretary of state. Appropriation.

Approved February 14, 1852.

NUMBER IV.

For the relief of Francis Lee and James Ward, commissioners.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer is hereby authorized and required to pay to Francis Lee and James Ward one hundred and thirty-two dollars and fifty cents, being the amount of their bill for services rendered, and expenses incurred by them, in running the line between the counties of Cumberland and Cape May, under and by virtue of the act entitled, "An act to reānnex the township of Hopewell, in the county of Mercer, to the county of Hunterdon, and to straighten the county lines between Cape May and Cumberland," passed March thirteenth, one thousand eight hundred and forty-four. Treasurer authorized to pay commissioners.

Approved February 19, 1852.

NUMBER V.

For the appointment of commissioners to report amendments of the system of jurisprudence of this state, and provide for the election of certain officers by the people.

Preamble.

WHEREAS it has been represented to the legislature, that the citizens of this state are desirous that such changes be made, in its entire system of legal and equitable jurisprudence, as will render the administration of justice more simple, speedy, and economical, and also, that the appointing power, so far as is practicable, be restored to the people, the only legitimate source of all power—therefore,

Commissioners to be appointed.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be, and he is hereby authorized to nominate and appoint, with the advice and consent of the senate, three discreet commissioners, whose duty it shall be to prepare such acts and such amendments of the constitution of this state as may be proper and necessary to carry into effect the objects expressed in the preamble to these resolutions, and submit the amendments prepared by them to the constitution of the state to the legislature, at its present session, and the acts prepared by them at its next annual session, for their approval.

Compensation.

2. *And be it resolved*, That the said commissioners shall receive the sum of five dollars, each, for every day they are actually employed in the performance of the duties hereby imposed upon them, and payment of such necessary travelling expenses as they may actually incur therein, to be paid to the said commissioners, respectively, by the treasurer of this state, upon an appropriation being made for that purpose by law.

Approved February 19, 1852.

NUMBER VI.

In relation to the producer of coal and manufacturer of iron and glass.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That we entertain a deep sense of the importance of developing, without delay, the vast resources of the United States for the production of iron, glass, and coal, as indispensable to our national success in various departments of arts and manufacture.

2. *And be it resolved*, That while all the principal governments of Europe lavish the most generous encouragement on the production of the mines and various manufactures of iron, the United States will be derelict to an enlarged and sagacious national policy, unless they afford that support which is essential to the development of the boundless treasures of coal and iron.

3. *And be it resolved*, That we approve of the well known declaration of Andrew Jackson, that our country ought to be rendered independent of all the world for its supply of iron and its manufactures, and that such independence is necessary for purposes of national defence.

4. *And be it resolved*, That the state of New Jersey feels a lively and abiding interest in the products of her iron mines and iron and glass manufactures; that she considers them valuable elements of national wealth, and that she will sanction no policy which sacrifices or disregards them.

5. *And be it resolved*, That our senators in congress are hereby instructed, and our representatives therein requested, to use all proper exertions to procure sufficient legislative enactments to enable the iron producer and glass manufacturer to meet on equal terms the competition of the world.

6. *And be it resolved*, That the governor is hereby requested to forward an attested copy of these resolutions to our senators and representatives in congress, that the same may be presented to the consideration of the national legislature.

Approved February 20, 1852.

NUMBER VII.

Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe for a part of the capital stock of the Belvidere Delaware Railroad Company.

Preamble. WHEREAS the speedy completion of the Belvidere Delaware railroad would be highly advantageous to a large portion of the people of this state; and whereas efforts have been made, from time to time, for several years past, and especially during the present winter, to procure subscriptions to the capital stock of the company sufficient for the purpose, but without success—now therefore,

Joint companies authorized to subscribe to stock. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized to subscribe for the balance, not yet taken, of the capital stock of the Belvidere Delaware Railroad Company; *provided*, that in the distribution of the shares of stock, not yet taken, among the subscribers thereto, individual subscribers shall first be allowed the number of shares subscribed for by them respectively; *provided further*, that the state of New Jersey shall not be compelled to take said stock or works at the expiration of the charters of said joint companies.

Approved March 19, 1852.

NUMBER VIII.

Authorizing the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies to subscribe for a part of the capital stock of the Flemington Railroad and Transportation Company.

Preamble. WHEREAS the construction of the Flemington railroad would be highly advantageous to a large agricultural portion of the people of this state, and efforts have been

made among the citizens of the county of Hunterdon, who are almost entirely engaged in agricultural pursuits, to procure subscriptions to the capital stock of the company sufficient for the purpose, but without success—now therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized to subscribe for and take any number of shares, not exceeding fifteen hundred, of the capital stock of the Flemington Railroad and Transportation Company ; *provided*, Joint companies authorized to subscribe to stock. that, in the distribution of the shares of stock of said Flemington Railroad and Transportation Company, individual subscribers, or other railroad companies, shall first be allowed to subscribe for or retain the number of shares subscribed for by them respectively ; *and provided further*, Proviso. that the state of New Jersey shall not be compelled to take said stock or works at the expiration of the charters of the joint companies. Proviso.

Approved March 25, 1852.

NUMBER IX.

To authorize the state treasurer to borrow money.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized to borrow, from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding thirty thousand dollars, at a rate of interest not exceeding six per cent. per annum ; and that he be instructed to repay the whole, or as much thereof, before the first day of January next, as the condition of the treasury will allow of. Treasurer authorized to borrow money.

Approved March 26, 1852.

CONTENTS.

Chap.	Page.
1. An act to set off, from the townships of Chesterfield and Mansfield, in the county of Burlington, a new township, to be called the township of Bordentown,	3
2. An act to confirm the acknowledgment of a letter of attorney from Hamilton Beckett to Henry Beckett,	7
3. An act to authorize and empower the inhabitants of the city of Trenton to construct works to supply said city with water, and to provide means therefor by loan,	9
4. An act to incorporate the Pavonia Land Association,	19
5. Supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six,	22
6. Supplement to an act entitled, "An act to incorporate the Pavonia Ferry Company," passed February twenty-eighth, eighteen hundred and forty-nine,	23
7. A further supplement to an act entitled, "An act to incorporate the Paterson Gas Light Company," passed the ninth day of December, eighteen hundred and twenty-five;	ib.
8. 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,	24
9. A supplement to an act entitled, "An act to incorporate the New Jersey Exploring and Mining Company," approved February fifteenth, one thousand eight hundred and forty-nine,	26
10. An act to incorporate the Congress Hall Hotel Company,	27
11. An act to authorize the chosen freeholders of the county of Monmouth to build a bridge over Compton's creek, near the dock of the Compton's Creek Company,	30

Chap.	Page.
12. A further supplement to an act entitled, "An act securing to mechanics and others payment for their labor and materials, in erecting any house or other building within the limits therein mentioned," approved April fifteenth, one thousand eight hundred and forty-six,	31
13. A further supplement to the act entitled, "An act relative to juries and verdicts," approved April seventeenth, eighteen hundred and forty-six,	32
14. A supplement to an act entitled, "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six,	ib.
15. An act to incorporate the Newton Presbyterial Academy,	34
16. An act explanatory of an act, approved March fourteenth, eighteen hundred and fifty-one, and entitled, "A supplement to an act entitled, an act respecting executions, and regulating the sale of personal estate by virtue thereof," approved April sixteenth, eighteen hundred and forty-six,	36
17. A supplement to an act entitled, "An act to incorporate the Newark Plank Road and Ferry Company," approved February the twenty-fourth, eighteen hundred and forty-nine,	ib.
18. 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,	38
19. An act to incorporate the Good Intent Hose Company of Mount Holly,	39
20. An act to dam off Cape Island creek,	40
21. An act to annex Petty's island to the township of Delaware, in the county of Camden,	41
22. A supplement to an act entitled, "An act to enable the townships of Dover, Middletown, and Howell, in the county of Monmouth, to sell and convey certain real estate therein named," passed February sixteenth, eighteen hundred and forty-three,	ib.
23. An act to set off from the township of Harrison, in the county of Hudson, a new township, to be called the township of Union, and to annex the same to the county of Bergen,	43
24. An act to incorporate the Trustees of the West Jersey Academy,	47

Chap.	Page.
25. A supplement to the act entitled, "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six,	48
26. A supplement to an act entitled, "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," approved April fifteenth, eighteen hundred and forty-six,	49
27. An act to incorporate the Florence and Freehold Plank or Turnpike Road Company,	ib.
28. An act to incorporate the National Insurance Company,	59
29. 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,	62
30. A supplement to an act entitled, "An act to limit the hours of labor, and to prevent the employment of children in factories under ten years of age,"	63
31. An act to confirm acknowledgments and proofs of deeds and other instruments taken by Benjamin Dye,	64
32. An act to set off from the townships of Medford, Southampton, and Washington, in the county of Burlington, a new township, to be called the township of Shamong,	ib.
33. An act to alter the boundary line between Newark and Clinton, in the county of Essex,	68
34. An act to incorporate the Red Bank Steamboat Company,	69
35. A supplement to an act entitled, "An act to incorporate the South Branch Mining Company," approved February fourth, eighteen hundred and forty-eight,	73
36. A supplement to the act entitled, "An act to authorize the establishment of the New Jersey Lunatic Asylum,"	74
37. A supplement to an act entitled, "An act to incorporate the Gloucester and Salem Turnpike Company," approved March sixth, eighteen hundred and fifty-one,	75
38. An act to repeal an act entitled, "An act to incorporate the Ringwood and Long Pond Turnpike Company," passed February ninth, eighteen hundred and eleven, and to declare the turnpike of said company a public highway,	76
39. An act to incorporate the Manufacturers' Fire and Marine Insurance Company of Newark, New Jersey,	77

Chap.	Page.
40. An act respecting annual reports to the legislature of railroads and canal companies,	82
41. An act incorporating homestead and building companies,	83
42. An act to repeal so much of the "Act relating to school districts numbers one, two, and three, in the township of Rahway, in the county of Essex," as authorize them to raise money for school purposes,	85
43. A supplement to the act entitled, "An act to incorporate the Sussex Iron Company," approved twentieth March, eighteen hundred and forty-five,	86
44. A supplement to the act entitled, "An act to authorize the establishment, and to prescribe the duties of com- panies for manufacturing and other purposes," ap- proved March second, eighteen hundred and forty-nine,	87
45. A further supplement to the act entitled, "An act for the punishment of crimes,"	ib.
46. An act to incorporate the Middletown and Shrewsbury Steamboat and Transportation Company,	89
47. A further supplement to the act entitled, "An act to incor- porate the Belvidere Manufacturing Company," passed the twenty-sixth February, eighteen hundred and twen- ty-eight,	90
48. A supplement to an act entitled, "An act concerning idiots and lunatics,"	91
49. An act to amend an act entitled, "An act to incorporate the Union Manufacturing Company," passed twenty- sixth February, eighteen hundred and fifty one,	93
50. Supplement to an act entitled, "An act concerning the estates of persons who die insolvent,"	94
51. An act authorizing the incorporation of plank road com- panies,	95
52. An act to set off a part of the township of Vernon, in the county of Sussex, and to annex the same to the town- ship of Hardyston, in said county,	106
53. A further supplement to the act entitled, "An act to fa- cilitate the administration of justice,"	107
54. A supplement to "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 No- vember twenty-fourth, seventeen hundred and ninety- two,	108

Chap.	Page
55. An act to incorporate the Paulsboro' Steamboat Company,	114
56. A supplement to an act entitled, "An act to incorporate the Somerville and New Brunswick Railroad Company,	117
57. An act to incorporate the town of Hudson, in the county of Hudson,	118
58. An act to incorporate the Burlington County Agricultural Society,	124
59. An act authorizing the enclosure of a certain tract of land, situate in the township of Pequannac, county of Morris, and state of New Jersey, called Toms' Point,	126
60. An act to incorporate the Somerville Aqueduct Company,	134
61. A supplement to an act entitled, "An act for the relief of creditors against corporations,"	140
62. A further supplement to the act entitled, "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty,	141
63. A supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, Anno Domini one thousand eight hundred and forty-six,	ib.
64. An act to protect fish in the Collvers or Round pond and in the Long pond, and in lake Hopatcong, in the counties of Sussex and Morris,	143
65. An act to incorporate the Keyport and Middletown Plank Road Company,	144
66. A supplement to an act entitled, "An act to incorporate the Westfield and Camden Turnpike Company," approved February twenty-eighth, one thousand eight hundred and forty-nine,	151
67. An act explanatory of the act entitled, "An act relative to officers' commissions and resignations," approved April sixteenth, eighteen hundred and forty-six,	152
68. An act to annex part of the township of Mansfield to the township of Oxford, in the county of Warren,	153
69. An act to authorize the sale of one half, or the lower portion of Burlington, or Matinicum island,	154
70. An act relative to foreign judgments,	155
71. A further supplement to the act entitled, "An act relative to fishing in Oldman's creek, in the counties of Salem	

Chap.	Page.
and Gloucester," passed March fifth, eighteen hundred and thirty-six,	156
72. A supplement to the act entitled, "An act respecting public schools in the township of Salem, in the county of Salem," approved February twenty-eighth, one thousand eight hundred and forty-nine,	157
73. An act to authorize the partition of lands, in cases where particular undivided shares therein are limited over,	ib.
74. An act to provide for the incorporation of insurance companies,	159
75. A supplement to the act entitled, "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved March twelfth, eighteen hundred and fifty-one,	170
76. A further supplement to the act entitled, "An act to incorporate the Belvidere Delaware Railroad Company," passed March second, eighteen hundred and thirty-six,	172
77. An act for the more speedy and better collecting of unpaid taxes in the township of West Milford, in the county of Passaic, and the township of Deptford, in the county of Gloucester,	ib.
78. An act to repeal an act entitled, "An act to change the time of holding the annual town meetings in the township of Pahaquarry, in the county of Warren,"	173
79. An act in relation to all companies transacting the business of life insurance within this state,	174
80. An act giving to James Anderson and Sarah Turner, and to all persons claiming any real or personal estate under them, the same rights and powers that they would have been entitled to if the said James and Sarah had been born in lawful wedlock,	177
81. An act to incorporate the Burlington Gas Light Company,	ib.
82. An act to incorporate the Mendham Aqueduct Company,	181
83. An act to incorporate the Zinc Mines Plank Road Company,	186
84. An act respecting the Hudson brigade,	194
85. An act to incorporate the Managers and Treasurer of the School Fund for the Education of Youth in the city of Burlington,	195

Chap.	Page.
86. An act concerning streets in the new manufacturing town of Elizabethport,	201
87. A supplement to an act for the protection of bridges, passed February twenty-seventh, eighteen hundred and thirty-three,	206
88. An act for the relief of the trustees of the Zoar Methodist Episcopal Church in the county of Ocean,	ib.
89. An act to incorporate the Riverton Improvement Company,	208
90. A further supplement to an act entitled, "An act to regulate the fisheries in the River Delaware, and for other purposes," passed November twenty-sixth, eighteen hundred and eight,	212
91. A further supplement to an act entitled, "An act to incorporate the Morristown Fire Association," passed February twenty-seventh, eighteen hundred and thirty-seven,	213
92. An act to alter the act entitled, "An act to incorporate the town of Belvidere," approved March nineteenth, eighteen hundred and forty-five,	215
93. An act to repeal an act entitled, "An act regulating elections in the township of Franklin, in the county of Gloucester," approved March fourth, eighteen hundred and forty-six,	216
94. An act to change the mode of voting at town meetings in the township of Wallpack, in the county of Sussex,	ib.
95. A further supplement to the act entitled, "An act to incorporate the city of Camden," approved March fifth, one thousand eight hundred and fifty,	217
96. Supplement to an act entitled, "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six,	218
97. A supplement to an act entitled, "An act to incorporate the Shrewsbury Mutual Fire Insurance Company," passed February twenty-seventh, one thousand eight hundred and thirty-eight,	220
98. A further supplement to the act entitled, "An act establishing a militia system," approved April fifteenth, eighteen hundred and forty-six,	221
99. A supplement to the act entitled, "An act concerning justices of the peace and courts of general quarter ses-	

Chap.	Page.
sions of the peace," approved April sixteenth, eighteen hundred and forty-six,	22
100. An act to exempt from sale or execution the homestead of a householder having a family,	222
101. A further supplement to the act entitled, "An act to regulate the practice of the courts of law," approved April fifteenth, eighteen hundred and forty-six,	225
102. An act to set off a part of the township of Hohokus, in the county of Bergen, and to annex the same to the township of Washington, in said county of Bergen,	226
103. An act for the purchase of Stephens' Historical Index of New Jersey,	ib.
104. A further supplement to the "Act to incorporate the city of Trenton," passed the seventh day of March, A. D. one thousand eight hundred and thirty-seven,	227
105. Supplement to an act entitled, "An act to divide the township of North Bergen, in the county of Hudson, and to establish in said county a new township, to be called the township of Hoboken,"	229
106. An act to prevent swine from running at large in this state,	230
107. A supplement to the act entitled, "An act for the preservation of clams and oysters," approved April fourteenth, eighteen hundred and forty-six,	232
108. Supplement to an act entitled, "An act to provide for the safe keeping of the records in the surveyor general's office of the eastern and western divisions of this state," passed December sixth, eighteen hundred and twenty-five,	ib.
109. An act to incorporate the New Jersey Natural History Society,	234
110. A supplement to the act entitled, "An act to incorporate the Odd Fellows' Hall Association of Camden, New Jersey," approved February twenty-seventh, eighteen hundred and fifty,	235
111. An act to incorporate the Trenton Hose Company, of Trenton,	236
112. An act to incorporate the Shrewsbury Plank Road Company,	237
113. A supplement to the act entitled, "An act to divide the township of North Bergen, in the county of Hudson,	

Chap.	Page.
and to establish a new township in said county, to be called the township of Hoboken,"	244
114. An act to make taxes a lien on real estate in the county of Passaic, and to authorize the sale of the same for the payment thereof,	247
115. An act to incorporate the Perseverance Fire Company, No. 1, of Camden,	250
116. An act to incorporate the Weccacoe Fire Company, No. 2, of Camden,	252
117. A supplement to the act entitled, "An act for the settlement and relief of the poor," approved April tenth, A. D. eighteen hundred and forty-six,	253
118. An act to authorize the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe a part of the capital stock of the Freehold and Jamesburg Agricultural Railroad Company,	255
119. A supplement to the act entitled, "An act respecting the court of chancery,"	256
120. A supplement to the act entitled, "An act to incorporate the Belvidere and Water Gap Railroad Company," approved February twenty-first, eighteen hundred and fifty-one,	257
121. An act authorizing the construction of a bridge or dam from the fast land to Tonkin's island, in the Delaware river,	258
122. A supplement to an act entitled, "An act to incorporate the Farmers Mutual Fire Insurance Company of Salem county," passed March sixth, eighteen hundred and fifty-one,	ib.
123. An act to incorporate the Oldman's Creek Steam Navigation Company,	259
124. An act to incorporate the Camden and Atlantic Railroad Company,	263
125. An act to incorporate the Gloucester County Mutual Fire Insurance Company,	272
126. An act to correct an act entitled, "An act concerning streets in the new manufacturing town of Elizabethport," approved March twelfth, eighteen hundred and forty-six,	274
127. An act to incorporate the Shiffler Hose Company, No. 1, of Camden,	275

Chap.	Page.
128. An act to amend an act entitled, "An act to incorporate the Newark Orphan Asylum Association,"	276
129. An act to prevent the importation of paupers and vagrants into the counties of Burlington, Passaic, Camden, Gloucester, and Mercer,	277
130. An act to incorporate the Millville and Malaga Road Company,	278
131. An act to confirm the title of Horatio T. Wells to certain lands in Camden,	288
132. A supplement to the act entitled, "An act to incorporate the Proprietors of the Trenton Water Works," passed the twenty-ninth day of February, A. D. one thousand eight hundred and three,	289
133. A supplement to an act entitled, "An act to incorporate the Salem County Mutual Fire Insurance Company," passed February twenty-eighth, eighteen hundred and forty-nine,	293
134. A supplement to the act entitled, "An act to incorporate the Jersey City Gas Light Company,"	294
135. An act to incorporate the Port Elizabeth and Millville Turnpike Company,	ib.
136. An act to incorporate the Vincentown and Mount Holly Turnpike Company,	304
137. Supplement to the act entitled, "An act for facilitating the communication from Morristown, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex,"	314
138. A supplement to the act entitled, "An act to incorporate the Trenton Mutual Life and Fire Insurance Company,"	315
139. A supplement to the act entitled, "An act to incorporate the Camden, Ellisburgh, and Marlton Turnpike Company," approved February twenty-eighth, one thousand eight hundred and forty nine,	316
140. An act relative to freight and transit duties on railroads in this state,	317
141. An act to incorporate the Erina Benevolent Association of the city of Newark,	319
142. An act to confirm a deed of conveyance from Lewis R. Marsh, one of the executors of the last will and testament of Rolph Marsh, late of Rahway, Essex county,	

Chap.	Page.
New Jersey, deceased, to James Moore, dated June fourth, one thousand eight hundred and forty-seven,	320
143. An act to authorize the administrators of George C. Rumsey, of the county of Salem, to deliver certain deeds,	322
144. An act to incorporate the Keyport and Middletown Point Steamboat Company,	324
145. A supplement to the act entitled, "An act to incorporate the Glassboro' and Carpenter's Landing Turnpike Company," passed the fourth day of February, eighteen hundred and fifty,	326
146. An act to incorporate the Franklin Hall Association of Crosswicks, New Jersey,	ib.
147. An act to incorporate the Salem and Woodstown Turnpike Company,	328
148. An act to incorporate the Upper Pittsgrove and Pittsgrove Turnpike Company,	338
149. A supplement to the act entitled, "An act relative to the court of errors and appeals," approved April sixteenth, eighteen hundred and forty-six,	346
150. An act to confirm the title of John B. Keeler to certain lands in the county of Burlington,	ib.
151. A supplement to the act entitled, "An act for the suppression of lotteries,"	348
152. An act to incorporate the Williamstown and Good Intent Turnpike Company,	349
153. An act to incorporate the Hudson and Bergen Plank Road Company,	359
154. An act to incorporate the Westville and Glassborough Turnpike Company,	361
155. An act to enable the executors of Nancy Scott, deceased, to execute her last will and testament,	371
156. An act making appropriations to the New Jersey Colonization Society,	373
157. An act to incorporate the Pittstown and Bridgeton Turnpike Company,	374
158. A supplement to an act entitled, "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six,	384
159. A further supplement to the act entitled, "An act to incorporate the Paterson Fire Association," passed November third, eighteen hundred and twenty-one,	386

Chap.	Page.
160. A supplement to an act entitled, "An act to set off a part of the township of Vernon, in the county of Sussex, and to annex the same to the township of Hardyston, in said county,"	387
161. An act to incorporate the Medford and Tuckerton Turnpike Road Company,	388
162. A supplement to the act entitled, "An act to prevent frauds by incorporated companies,"	397
163. Supplement to an act entitled, "An act to incorporate the town of Belvidere," passed the nineteenth day of March, eighteen hundred and forty-five,	398
164. A supplement to the act entitled, "An act respecting public schools in the city of Trenton," approved March sixth, one thousand eight hundred and fifty,	399
165. An act concerning a certain subscription or loan by the city of Trenton,	400
166. An act to authorize heating the state prison with steam,	401
167. An act to incorporate the Weehawken Ferry Company,	ib.
168. A further supplement to the act entitled, "An act respecting conveyances," approved April fourteenth, eighteen hundred and forty-six,	404
169. An act authorizing the construction of a road separate from the route of the New Jersey railroad, at and eastwardly of the Hackensack bridge, in the county of Hudson,	406
170. A supplement to an act entitled, "An act to incorporate the Passaic Mining and Manufacturing Company,"	ib.
171. An act for the better securing the property of married women,	407
172. An act for the relief of James Sailor,	408
173. An act to incorporate the Camden and Atlantic Turnpike Company,	409
174. An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water,	419
175. A further supplement to the act entitled, "An act to prevent, in certain cases, the abatement of suits and reversal of judgments,"	430
176. A supplement to the act entitled, "An act to incorporate the Camden and Philadelphia Steamboat Ferry Company," approved February twenty-third, one thousand eight hundred and forty-eight,	431

Chap.	Page.
177. A further supplement to the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, A. D. one thousand eight hundred and thirty-seven,	431
178. An act to incorporate the Bridgeton and Deerfield Turnpike Company,	433
179. A supplement to the act entitled, "An act to incorporate the city of Paterson,"	442
180. An act to authorize the trustees of the school fund to sell the lands belonging to the state at or near the city of Paterson,	445
181. A supplement to the act entitled, "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and the laws of the United States," approved April sixteenth, eighteen hundred and forty-six,	446
182. Supplement to an act entitled, "An act to incorporate the Trenton Iron Company," approved February sixteenth, Anno Domini one thousand eight hundred and forty-seven,	ib.
183. A supplement to the act entitled, "An act against usury," approved April tenth, eighteen hundred and forty-six,	447
184. An act to incorporate the Mount Holly and Moorestown Turnpike Company,	448
185. An act to change the name of R. Willis Baker, of the county of Warren,	458
186. An act to incorporate the Cumberland Nail and Iron Company,	459
187. A further supplement to the act entitled, "An act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-six,	462
188. A supplement to the act entitled, "An act to provide for the support of the government of this state and to fix the salaries of public officers,"	466
189. An act to incorporate the Newark and Bloomfield Railroad Company,	467
190. A 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,	476
191. An act for the discontinuance of the house of refuge,	

Chap.		Page.
	and for the relief of the contractors who furnished labor and materials for the erection of the same,	479
192.	A supplement to an act entitled, "An act to authorize the formation of societies for the protection of property," approved March thirteenth, one thousand eight hundred and fifty-one,	477
193.	A further supplement to the act entitled, "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty,	478
194.	An act to incorporate the Woodstown and Pennsgrove Turnpike Company,	483
195.	An act to incorporate the Prospect Hill Cemetery of Belleville,	493
196.	A supplement to the act entitled, "An act to incorporate the New Brunswick Savings Institution," approved March fifteenth, eighteen hundred and fifty-one,	495
197.	An act to incorporate the Essex and Hudson Ferry Company,	497
198.	A supplement to an act entitled, "An act to incorporate the Woodbury and Camden Turnpike Company," approved February twenty-eighth, eighteen hundred and forty-nine,	499
199.	An act to authorize the construction of works to supply the city of Paterson with water,	501
200.	An act to incorporate the Mount Holly and Pemberton Turnpike Road Company,	510
201.	An act to amend an act entitled, "An act to incorporate Jersey City," approved March eighteenth, eighteen hundred and fifty-one,	519
202.	An act to provide for the collection of the taxes due from banks and banking associations of this state,	525
203.	An act regulating the proceedings of courts in cases of erroneous taxation,	526
204.	An act to incorporate the Tom's River and Barnegat Steamboat Company,	527
205.	A supplement to the act entitled, "An act to incorporate the Chingarora Dock Company of Keyport," approved February twenty-first, eighteen hundred and fifty-one,	531
206.	A supplement to the act entitled, "An act to regulate and widen the draws in the bridges over the Hacken-	

Chap.		Page.
	sack river," passed March third, one thousand eight hundred and twenty-eight,	531
207.	A supplement to the act entitled, "An act to prevent accidents from the use of locomotive engines on railroads," passed March ninth, one thousand eight hundred and thirty-nine,	532
208.	An act relative to the lunatic asylum,	533
209.	An act to provide for the service and publication of notices of legal proceedings in certain cases,	ib.
210.	A supplement to the act entitled, "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved April fifteenth, eighteen hundred and forty-six,	534
211.	An act to defray incidental expenses,	535
212.	A supplement to the act entitled, "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and the laws of the United States," approved April sixteenth, eighteen hundred and forty-six,	540
213.	A further supplement to the act entitled, "An act to incorporate the city of Paterson,"	ib.

JOINT RESOLUTIONS.

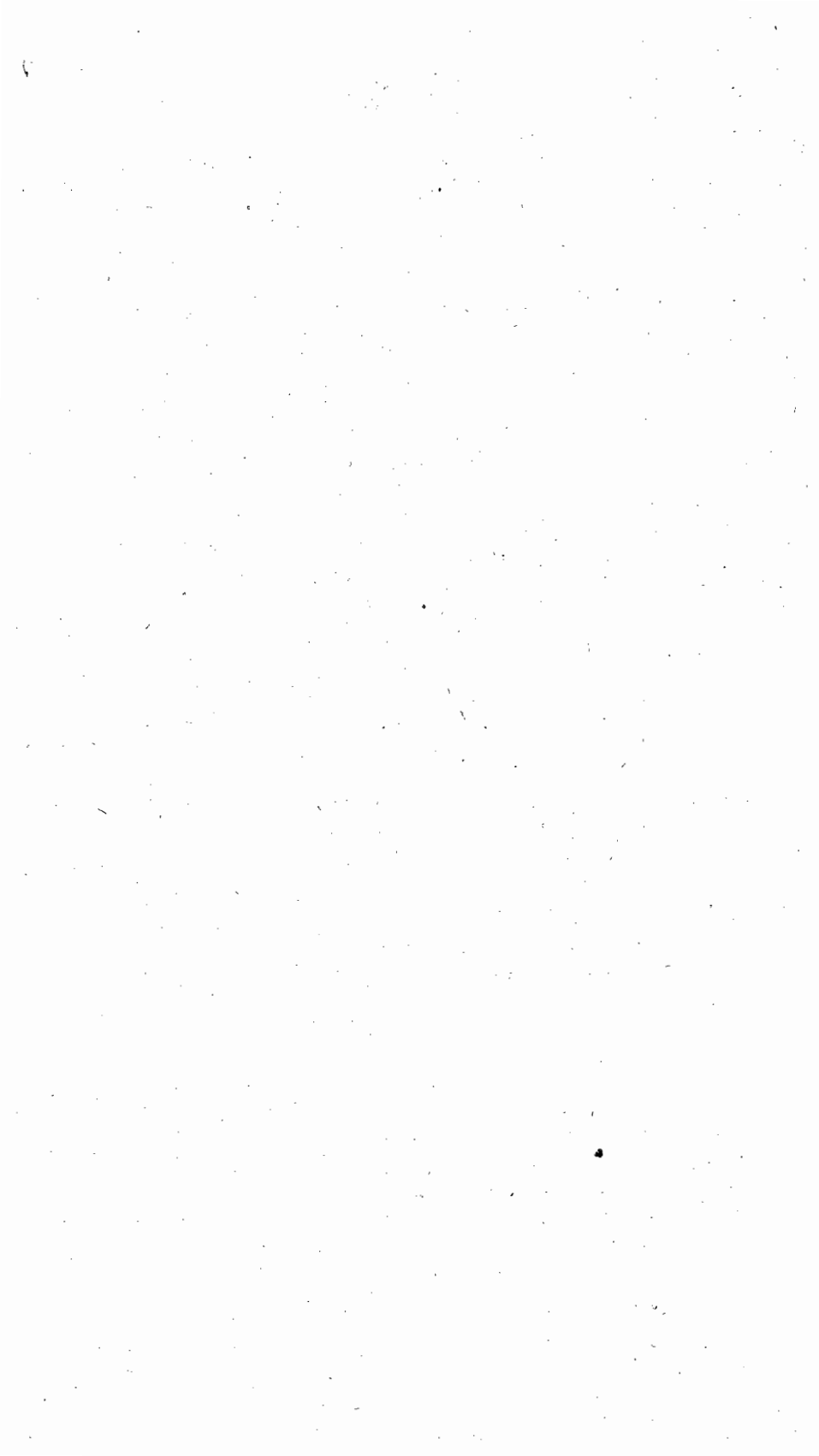
No.		Page.
1.	For relief of Robert Gwynne, of Salem county,	543
2.	In relation to Governor Kossuth and the doctrine of national non-intervention,	ib.
3.	To provide for the safe keeping of the bonds, mortgages, and other securities belonging to, or deposited with the state,	545
4.	For the relief of Francis Lee and James Ward, commissioners,	ib.
5.	For the appointment of commissioners to report amendments of the system of jurisprudence of this state, and provide for the election of certain officers by the people,	546
6.	In relation to the producer of coal and manufacturer of iron and glass,	547

No.

Page.

7. Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe for a part of the capital stock of the Belvidere Delaware Railroad Company, 548
8. Authorizing the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies to subscribe for a part of the capital stock of the Flemington Railroad and Transportation Company, ib.
9. To authorize the state treasurer to borrow money, 549

I N D E X.



INDEX.

A.

	Page.	
Abatement of suits—further supplement to act relative to,	430	BAN
Academy—act to incorporate Presbyterial, at New-	34	
ton,		
West Jersey, at Bridgeton,	47	
Agricultural Society of Burlington County—act to in-		
corporate,	124	
Anderson, James, and Sarah Turner—act relative to,	177	
Appropriation for Historical Index,	226	
for New Jersey Colonization Society,	373	
for building offices at Perth Amboy and Bur-		
lington,	232	
Aqueduct Company at Somerville—act to incorpo-		
rate,	134	
at Mendham, act to incorporate,	181	
Assembly, members of—to be elected in single dis-		
tricts,	462	
Atlantic and Camden Railroad Company—act to in-		
corporate,	263	
Turnpike Company, act to incorporate,	409	
Attachment—jurisdiction of justices in certain cases,	62	

B.

Baker, R. Willis—act to change name of,	458
Banking—further supplement to act authorizing busi-	
ness of,	141
further supplement to act to authorize busi-	
ness of,	478

BUR Banks—act for collection of tax due from,	525
———Barnegat and Toms River Steamboat Company—act to incorporate,	527
Beckett, Hamilton—letter of attorney from, confirmed,	7
Belleville—act to incorporate Prospect Hill Cemetery,	493
Belvidere Manufacturing Company—further supple- ment to act to incorporate,	90
Delaware Railroad Company, supplement to act to incorporate,	172
subscription by joint companies to stock of, authorized,	548
act incorporating town of, altered,	215
supplement to act incorporating town of,	398
and Water Gap Railroad Company, sup- plement to act to incorporate,	267
Bergen and Hudson Plank Road Company—act to in- corporate,	359
Bloomfield and Newark Railroad Company—act to incorporate,	467
Bordentown—township of, erected,	3
Boundary line—between Newark and Clinton altered, Vernon and Hardyston altered,	68
	387
Bridges—supplement to act for protection of, over Hackensack river, act to regulate draws in,	206
	531
Bridge from Tonkin's island—act to authorize,	258
Brigade—act respecting Hudson,	194
Bridgeton and Pittstown Turnpike Company—act to incorporate,	374
and Deerfield Turnpike Company, act to incorporate,	433
Building and homestead companies—act to authorize,	83
Burlington County Agricultural Society—act to incor- porate,	124
act relative to election of township officers in,	141
act to prevent importation of paupers into,	277
or Matinicum island, act for sale of part of,	154
Gas Light Company, act to incorporate,	177
city of, act incorporating managers of school fund,	195

C.

Camden and Westfield Turnpike Company—supplement to act to incorporate,	151
city of, further supplement to act incorporating,	217
county, act to prevent importation of paupers into,	277
supplement to act to incorporate Odd Fellows' Hall Association at,	235
act to incorporate Perseverance Fire Company of,	250
act to incorporate the Weccacoe Fire Company, No. 2,	252
and Atlantic Railroad Company, act to incorporate,	263
and Atlantic Turnpike Company, act to incorporate,	409
Shiffler Hose Company, act to incorporate,	275
and Philadelphia Steamboat Company, act to incorporate,	431
and Woodbury Turnpike Company, supplement to act to incorporate,	499
Canal and railroad companies—to make annual reports,	82
act relative to freights and transit duties on,	317
Cape Island creek—act to dam off,	40
Cemetery—act to incorporate Prospect Hill, at Belleville,	493
Children—hours of labor limited, supplement to act,	63
Chingarora Dock Company at Keyport—supplement to act incorporating,	531
Chosen freeholders in Monmouth county authorized to build bridge over Compton's creek,	30
Church, Zoar Methodist—act for relief of trustees of,	206
Clams and oysters—supplement for preservation of,	232
Clerk of township or ward may administer oath in certain cases,	22
Coal—See joint resolutions,	547

	Page.
DEE Colonization Society of New Jersey—appropriation	
for,	373
Collver's pond—act to regulate fishing in,	143
Commissioners to report law code, &c.,	646
Commissioners of deeds in other states—act to increase	
number of,	534
act to confirm acts of Benjamin Dye,	64
Commissions, resignations, &c.—act explanatory of,	152
Compton's creek—bridge over, authorized,	30
Congress Hall Hotel Company—act for incorporation	
of,	27
Congressional election districts declared,	48
Conveyances—further supplement to act respecting,	404
Corporations—supplement to act for relief of creditors	
of,	140
Courts—terms of, in certain counties changed,	107
of law, supplement to act regulating practice	
of,	218
of law, further supplement to act regulating	
practice of,	225
of chancery, supplement to act respecting,	256
of errors and appeals, supplement to act re-	
lative to,	346
act to regulate proceedings of, in cases of	
taxation,	526
Creditors—supplement to act for relief of,	62
supplement to act for relief of, against corpo-	
rations,	140
Crimes—further supplement to act for punishment of,	87
Crosswicks—act to incorporate Franklin Hall Associa-	
tion at,	326
Cumberland Nail and Iron Company—act to incorpo-	
rate,	459

D.

Dam off Cape Island creek—act to authorize,	40
Deed—from Lewis R. Marsh, act to confirm,	320
George C. Rumsey to deliver a certain,	322

	Page.	FER
Deer and other game—supplement to act for preservation of,	38	_____
Deerfield and Bridgeton Turnpike Company—act to incorporate,	433	
Delaware river—act relative to fisheries in,	212	
and Raritan Canal Company, &c., directors of, authorized to subscribe for stock in Freehold and Jamesburg Railroad Company,	255	
Deptford township—act relative to collection of taxes in,	172	
Doorkeeper, &c.—pay of, increased,	466	
Dover, Middletown, and Howell townships, authorized to sell a certain farm,	41	
Dye, Benjamin—acts of, as commissioner, confirmed,	64	

E.

Elections—supplement to act relative to,	48
act to prevent fraudulent, by incorporated companies,	49
in Franklin, Gloucester county, act relative to,	216
in Wallpack, Sussex county, mode of, changed,	ib.
further supplement to act regulating,	462
Elizabethport—act concerning streets in town of,	201
act to correct foregoing act,	274
Erina Benevolent Association at Newark—act to incorporate,	319
Essex independent brigade—act to establish,	32
Essex and Hudson Ferry Company—act to incorporate,	497
Executions—act explanatory of former acts concerning,	36
Exemption of homestead,	222
Exploring and Mining Company—supplement to act incorporating,	26

F.

Ferry Company—Pavonia, supplement to act incorporating,	23
---	----

FRE Ferry Company—Essex and Hudson, act to incorporate,	497
Weehawken, act to incorporate,	401
Camden and Philadelphia, supplement to act to incorporate,	431
Fire and Marine Insurance Company—the Manufacturers', at Newark, act to incorporate,	49
Fire Insurance Company—the Shrewsbury, supplement to act incorporating,	220
the Farmer's Mutual, at Salem, act to incorporate,	258
the Gloucester County, act to incorporate,	272
the National, at Somerset, act to incorporate,	59
supplement to act to incorporate the Salem County,	293
supplement to act to incorporate the Trenton Mutual,	315
Fire Association at Morristown—supplement to act incorporating,	213
further supplement to act incorporating,	386
Fire Company at Camden—act to incorporate the Perseverance,	250
act to incorporate the Weccacoe,	252
Fish—act to protect, in certain ponds,	143
Fishing—in Oldman's creek, act relative thereto,	156
in Delaware river, act regulating,	212
Flemington Railroad Company—act authorizing joint companies to subscribe stock of,	548
Florence and Freehold Plank Road Company—act to incorporate,	49
Foreign judgments—act relative to,	155
Franklin Hall Association at Crosswicks—act to incorporate,	326
township, Gloucester county, election law repealed,	216
Fraud by incorporated companies—supplement to act relative to,	397
Freeholders of Monmouth county authorized to build bridge over Compton's creek,	30

Freehold and Jamesburg Railroad Company—supple-	Page.	HOB
ment to act to incorporate,	170	
joint companies authorized to subscribe stock		
of,	255	
Freight and transit duties on railroads—act relative to,	317	

G.

Game laws—supplement to,	38
Gas Light Company—at Paterson, act to incorporate,	23
at Burlington, act to incorporate,	177
at Jersey City, supplement to act to incorpo-	
rate,	294
Glass—manufacture of,	547
Glassboro' and Carpenter's Landing Turnpike Com-	
pany—supplement to act incorporating,	326
and Westville Turnpike Company, act to	
incorporate,	361
Gloucester and Salem Turnpike Company—supple-	
ment to act incorporating,	75
county, act to prevent importation of paupers	
into,	277
Mutual Fire Insurance Company, act to in-	
corporate,	272
Good Intent Hose Company of Mount Holly—act to	
incorporate,	39
Good Intent and Williamstown Turnpike Company—	
act to incorporate,	349

H.

Hackensack and Harrington townships—act to pre-	
vent cattle from running at large therein,	24
river, act to regulate draws in bridges over,	531
Hardyston township—part of Vernon annexed there-	
to,	106
act to alter boundary line of,	387
Historical Index—appropriation for,	226
Hoboken—supplement to act to create township of,	229

	Page.
INS Hoboken—further supplement to act to create town- ship of,	244
Hohokus township, Bergen county—part of, set off to Washington,	226
Homestead and building companies—act to authorize, exempted from sale by execution,	83 222
Hopatcong pond—act to regulate fishing in,	143
Hose Company—Good Intent, of Mount Holly, act to incorporate,	39
at Trenton, act to incorporate,	256
Shiffler, at Camden, act to incorporate,	275
Hotel, the Congress Hall Company—act to incorpo- rate,	27
House of refuge—act for discontinuance of,	476
Hudson—act to incorporate town of,	118
brigade, act respecting,	194
and Bergen Plank Road Company, act to incorporate,	359
and Essex Ferry, act to incorporate,	497

I.

Idiots—supplement to act concerning,	91
Improvement Company at Riverton—act to incorpo- rate,	208
Incorporated companies—act to prevent fraudulent elections by,	49
supplement to act to prevent frauds by,	397
Incidental expenses—act to defray,	535
Insurance Company—act to incorporate the National,	59
act to incorporate the Manufacturers',	77
general act for incorporation of,	159
act relative to life, &c.,	174
act to incorporate the Shrewsbury Mutual,	220
act to incorporate the Salem Farmers' Mu- tual,	258
act to incorporate the Gloucester County,	272
supplement to act to incorporate the Salem County,	293
supplement to Trenton Life and Fire Mutual,	315

Iron Company—supplement to act incorporating Sussex,	94
Trenton, supplement to act,	446
Iron—manufacturer of,	547
Incorporating—Pavonia Land Association,	19
inhabitants of townships, supplement to,	22
Pavonia Ferry Company,	23
Paterson Gas Light Company,	ib.
Congress Hall Hotel Company,	27
Presbyterial Academy at Newton,	34
Newark Plank Road and Ferry Company,	
supplement to act,	36
the Good Intent Hose Company of Mount Holly,	39
West Jersey Academy,	47
Florence and Freehold Plank Road Company, &c.,	49
National Insurance Company,	59
Red Bank Steamboat Company,	69
South Branch Mining Company,	73
Gloucester and Salem Turnpike Company,	75
Manufacturers' Insurance Company at Newark,	77
homestead and building companies,	83
Middletown and Shrewsbury Steamboat Company,	89
plank road companies,	95
Paulsboro' Steamboat Company,	114
the Somerville and New Brunswick Railroad Company, supplement to act,	117
the town of Hudson,	118
Burlington County Agricultural Society,	124
Somerville Aqueduct Company,	134
Keyport and Middletown Plank Road Company,	144
insurance companies,	159
Burlington Gas Light Company,	177
Mendham Aqueduct Company,	181
Zinc Mines Plank Road Company,	186

	Page.
INC Incorporating—Riverton Improvement Company,	208
city of Trenton, further supplement to,	227
Natural History Society of New Jersey,	234
Trenton Hose Company,	236
Shrewsbury Plank Road Company,	237
Perseverance Fire Company at Camden,	250
Weccacoe Fire Company, No. 2, at Camden,	252
Farmers' Mutual Insurance Company at Sa-	
lem, supplement to,	258
Oldman's Creek Steam Navigation Company,	259
Camden and Atlantic Railroad Company,	263
Gloucester County Fire Insurance Company,	272
Shiffler Hose Company at Camden,	275
Port Elizabeth and Millville Turnpike Com-	
pany,	294
Vincentown and Mount Holly Turnpike	
Company,	304
Newark Erina Benevolent Association,	319
Keyport and Middletown Point Steamboat	
Company,	324
Glassboro' and Carpenter's Landing Turn-	
pike Company, supplement to,	326
Franklin Hall Association at Crosswicks,	ib.
Salem and Woodstown Turnpike Company,	328
Upper Pittsgrove and Pittsgrove Turnpike	
Company,	338
Williamstown and Good Intent Turnpike	
Company,	349
Hudson and Bergen Plank Road Company,	359
Westville and Glassboro' Turnpike Company,	361
Pittstown and Bridgeton Turnpike Company,	374
Medford and Tuckerton Turnpike Company,	388
town of Belvidere, supplement to act,	398
Weehawken Ferry Company,	401
Camden and Atlantic Turnpike Company,	409
Camden and Philadelphia Steamboat Ferry	
Company, further supplement to,	431
city of Trenton, further supplement to,	ib.
Bridgeton and Deerfield Turnpike Company,	433
city of Paterson, supplement to,	442

	Page.	JOI
Incorporating—Trenton Iron Company, supplement to,	446	
Mount Holly and Moorestown Turnpike Company,	448	
Cumberland Nail and Iron Company,	459	
Newark and Bloomfield Railroad Company,	467	
Woodstown and Penns Grove Turnpike Company,	483	
Prospect Hill Cemetery at Belleville,	493	
New Brunswick Savings Institution, supplement to,	495	
Essex and Hudson Ferry Company,	497	
Woodbury and Camden Turnpike Company, supplement to,	499	
Mount Holly and Pemberton Turnpike Company,	510	
Toms River and Barnegat Steamboat Company,	527	
Chingarora Dock Company at Keyport, supplement to,	531	

J.

Jamesburg and Freehold Railroad Company—supplement to act to incorporate,	170
Jersey City Gas Light Company—supplement to act to incorporate,	294
act authorizing construction of water works at,	419
act to amend act incorporating,	519
Judgments—relative to foreign,	155
Juries and verdicts—further supplement relative to,	32
Justice—further supplement to act to facilitate,	107
Justices of the peace—supplement to act respecting,	221
Joint resolution—for relief of R. Gwynne,	543
in relation to Governor Kossuth, and the doctrine of national non-intervention,	ib.
to provide for the safe keeping of papers in the treasurer's office,	545
for the relief of Francis Lee and James Ward,	ib.

LIE Joint resolution—for the appointment of commissioners to report amendments to the system of jurisprudence, and to the constitution of this state,	546
authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad Companies to subscribe for stock of the Belvidere Delaware Railroad Company,	548
in relation to the producer of coal and manufacturer of iron and glass,	547
authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad Companies to subscribe for stock of the Fleming-ton Railroad Company,	ib.
to authorize the state treasurer to borrow money,	549

K.

Keeler, John B.—act to confirm title of, to lands,	346
Keyport and Middletown Plank Road Company—act to incorporate,	144
Point Steamboat Company, act to incorporate,	324
Keyport Chingarora Dock Company—supplement to act to incorporate,	531
Knickerbocker, R. Willis—name changed from Baker,	458
Kossuth—Governor,	553

L.

Labor—supplement to act limiting hours of,	63
Land Association at Pavonia—act to incorporate,	19
authorizing partition of, in certain cases,	157
supplement to act making, liable for debts,	476
Laws, journals, &c.—act relative to distribution of,	446
Legal proceedings—act relative to notice of, in certain cases,	533
Legislature—members of, to receive bound copies of laws, &c.,	446
Letter of attorney from Hamilton Beckett confirmed,	7
Lien law—further supplement thereto,	31

Life insurance companies—general act relative there- to,	174
Locomotive engines on railroads—act to prevent accidents by,	532
Long Pond and Ringwood Turnpike Company—act to repeal act incorporating,	76
Lotteries—supplement to act for preservation of,	348
Lunatics—supplement to act concerning,	91
Lunatic asylum—supplement to act establishing, act relative to,	74 533
Lee—Francis, and James Ward, relief of,	545

M.

Manufacturers' Insurance Company at Newark—act to incorporate,	77
Manufacturing companies—supplement to act autho- rizing,	87
Company at Belvidere, further supplement to,	90
Company, the Union, act to amend charter of,	93
Mansfield township, Warren county—part of, set off to Oxford,	153
Married women—act for better protection of proper- ty of,	407
Matinickunk island—sale of part of, authorized,	154
Marsh, Lewis R.—act to confirm deed from,	320
Meadow grounds, &c.—act to enable owners to drain,	108
Mechanics' lien law—further supplement to,	31
Medford and Tuckerton Turnpike Company—act to incorporate,	388
Mendham Aqueduct Company—act to incorporate,	181
Methodist Episcopal Church, Zoar—act for relief of trustees of,	206
Mercer county—act to prevent importation of pau- pers into,	277
Middletown Point and Keyport Steamboat Compa- ny—act to incorporate,	324

NEW Middletown and Shrewsbury Steamboat Company—	
act to incorporate,	89
and Keyport Plank Road Company, act to	
incorporate,	144
Militia—act respecting Hudson brigade,	194
further supplement relative thereto,	221
act establishing independent Essex brigade,	32
Millville and Malaga Road Company—act to incorpo-	
rate,	278
and Elizabeth Turnpike Company—act to	
incorporate,	294
Mining—supplement to New Jersey Exploring and	
Mining Company,	26
supplement to South Branch Mining Com-	
pany,	73
supplement to Passaic Mining, &c., Compa-	
ny,	406
Morristown Fire Association—supplement to act to	
incorporate,	213
further supplement to act to incorporate,	386
Mount Holly and Vincentown Turnpike Company—	
act to incorporate,	304
and Moorestown Turnpike Company, act to	
incorporate,	448
and Pemberton Turnpike Company, act to	
incorporate,	510

N.

Nail and Iron Company—act to incorporate the Cum-	
berland,	459
National Insurance Company—act to incorporate,	59
Natural History Society of New Jersey—act to in-	
corporate,	234
Newark Plank Road and Ferry Company—supple-	
ment to act to incorporate,	36
Orphan Asylum, act to amend charter of,	276
Erina Benevolent Association, act to incor-	
porate,	319

	Page.	PAT.
Newark Turnpike Company authorized to change road near Hackensack river,	406	_____
and Bloomfield Railroad Company, act to incorporate,	467	
New Brunswick and Somerville Railroad Company—supplement to act incorporating,	117	
Savings Institution, supplement to act,	495	
New Jersey Exploring and Mining Company—supplement to act to incorporate,	26	
Colonization Society, appropriation for,	373	
Newton Presbyterial Academy—act to incorporate,	34	

O.

Odd Fellows' Hall Association at Camden—supplement to act to incorporate,	235
Oldman's creek—act relative to fishing therein,	156
Orphans' Asylum at Newark—act to amend charter of,	276
Oxford township, Warren county—part of Mansfield set off to,	153
Oysters and clams—supplement to act for preservation of,	232

P.

Pahaquarry—change of time for holding town meetings in,	173
Partition of lands in certain cases—act relative to,	157
Passaic county—act to prevent importation of paupers into,	277
act to make taxes a lien upon real estate in,	247
Passaic Mining and Manufacturing Company—supplement to act incorporating,	406
Paterson Gas Light Company—act to incorporate,	23
water works, construction of, authorized,	501
supplement to act to incorporate city of,	442
state lands at, authorized to be sold,	445
further supplement to act to incorporate city of, and relative to assessment of taxes in,	540

	Page.
PRO Pavonia Land Association—act to incorporate,	119
Ferry Company, supplement to act to incor-	
porate,	23
Paulsboro' Steamboat Company—act to incorporate,	114
Paupers and vagrants—act to prevent importation of,	
into certain counties,	277
Pennsgrove and Woodstown Turnpike Company—act	
to incorporate,	483
Pequannac township—land called Tom's Point to be	
enclosed,	126
Pemberton and Mount Holly Turnpike Company—act	
to incorporate,	510
Petty's Island—act to set off, to Delaware township,	41
Perseverance Fire Company at Camden—act to incor-	
porate,	250
Plank Road Company—Florence and Freehold,	49
general act,	95
Keyport and Middletown,	144
Zinc Mines,	186
Shrewsbury,	237
Hudson and Bergen,	359
Pittsgrove and Upper Pittsgrove Turnpike Company—	
act to incorporate,	338
Pittstown and Bridgeton Turnpike Company—act to	
incorporate,	374
Poor—supplement to act for relief and settlement of,	253
Port Elizabeth and Millville Turnpike Company—act	
to incorporate,	294
Practice of courts of law—supplement to,	218
further supplement to,	225
Presbyterial Academy at Newton—act to incorporate,	34
Printing—for relief of Robert Gwynne,	543
Property—of married women, act for better securing,	407
supplement to act authorizing societies for	
protection of,	477
Proprietors' offices at Perth Amboy and Burlington—	
appropriation for,	232
Prosecutors of the pleas—act relative to appointment of,	152
Prospect Hill Cemetery at Belleville—act to incorpo-	
rate,	493

Private acts—to confirm acknowledgment of letter of attorney from Hamilton Beckett,	7
to incorporate Pavonia Land Association,	19
supplement to act incorporating Pavonia Ferry Company,	23
supplement to act incorporating Paterson Gas Light Company,	ib.
supplement to act incorporating New Jersey Exploring and Mining Company,	26
to incorporate Congress Hall Hotel Company,	27
to incorporate Newton Presbyterial Academy,	34
to incorporate Good Intent Hose Company of Mount Holly,	39
to incorporate trustees of West Jersey Academy,	47
to incorporate Florence and Freehold Plank Road Company,	49
to incorporate National Insurance Company,	59
to incorporate Red Bank Steamboat Company,	69
supplement to act incorporating South Branch Mining Company,	73
supplement to act incorporating Gloucester and Salem Turnpike Company,	75
to repeal act incorporating Ringwood and Long Pond Turnpike Company,	76
to incorporate Manufacturers' Fire and Marine Insurance Company,	77
supplement to act to incorporate Sussex Iron Company,	86
to incorporate Middletown and Shrewsbury Steamboat Company,	89
further supplement to act to incorporate Belvidere Manufacturing Company,	90
supplement to act incorporating Union Manufacturing Company,	93
to incorporate Paulsboro' Steamboat Company,	114

PRI Private acts—supplement to act to incorporate Somerville and New Brunswick Railroad Company,	117
to incorporate Burlington County Agricultural Society,	124
to incorporate Somerville Aqueduct Company,	134
to incorporate Keyport and Middletown Plank Road Company,	144
supplement to act to incorporate Westfield and Camden Turnpike Company,	151
supplement to act to incorporate Freehold and Jamesburg Railroad Company,	170
further supplement to act to incorporate Belvidere Delaware Railroad Company,	172
to legitimatize James Anderson and Sarah Turner,	177
to incorporate Burlington Gas Company,	ib.
to incorporate Mendham Aqueduct Company,	181
to incorporate Zinc Mines Plank Road Company,	186
to incorporate Managers, &c., of School Fund in city of Burlington,	195
for relief of Zoar Methodist Episcopal Church in Ocean county,	206
to incorporate Riverton Improvement Company,	208
further supplement to act to incorporate Morristown Fire Association,	213
supplement to act to incorporate Shrewsbury Mutual Insurance Company,	220
to incorporate New Jersey Natural History Society,	234
supplement to act to incorporate Odd Fellows' Hall Association of Camden,	235
to incorporate Trenton Hose Company,	236
to incorporate Shrewsbury Plank Road Company,	237
to incorporate Perseverance Fire Company in Camden,	250

Private acts—to incorporate Weccacoe Fire Compa- ny, No. 2, in Camden,	252
supplement to act to incorporate Belvidere Water Gap Railroad Company,	257
supplement to act to incorporate Farmers' Mutual Insurance Company at Salem,	258
to confirm title of John B. Keeler to lands,	346
to incorporate Williamstown and Good In- tent Turnpike Company,	349
to incorporate Hudson and Bergen Plank Road Company,	359
to incorporate Westville and Glassboro' Turnpike Company,	361
to enable éxecutors of Nancy Stout to exe- cute her will,	371
to incorporate Pittstown and Bridgeton Turn- pike Company,	374
further supplement to act to incorporate Pa- terson Fire Association,	386
to incorporate Medford and Tuckerton Turn- pike Company,	388
to incorporate Weehawken Ferry Company,	401
supplement to act to incorporate Passaic Min- ing Company, &c.,	406
for relief of James Sailor,	408
to incorporate Camden and Atlantic Turn- pike Company,	409
supplement to act to incorporate Camden and Philadelphia Steamboat Ferry Company,	431
to incorporate Bridgeton and Deerfield Turn- pike Company,	433
supplement to act to incorporate Trenton Iron Company,	446
to incorporate Mount Holly and Moorestown Turnpike Company,	448
to change the name of R. Willis Baker,	458
to incorporate Cumberland Nail and Iron Company,	459
to incorporate Newark and Bloomfield Rail- road Company,	467

PUB Private acts—to incorporate Woodstown and Penns-	
grove Turnpike Company,	483
to incorporate Prospect Hill Cemetery of	
Belleville,	493
supplement to act to incorporate New Bruns-	
wick Savings Institution,	495
to incorporate Essex and Hudson Ferry Com-	
pany,	497
supplement to act to incorporate Woodbury	
and Camden Turnpike Company,	499
to incorporate Mount Holly and Pemberton	
Turnpike Company,	510
to incorporate Toms River and Barnegat	
Steamboat Company,	527
supplement to act to incorporate Chingarora	
Dock Company at Keyport,	531
Public acts—To set off township of Bordentown, in	
county of Burlington,	3
to authorize city of Trenton to construct	
water works,	9
supplement to act incorporating inhabitants	
of townships,	22
to prevent cattle, &c., from running at large	
in Hackensack and Harrington townships,	24
to authorize bridge over Compton's creek,	
Monmouth county,	30
further supplement to mechanics' lien law,	31
further supplement relative to juries and	
verdicts,	32
supplement to act establishing militia system,	ib.
explanatory of act respecting sale of person-	
al property,	36
supplement to act to incorporate Newark	
Plank Road and Ferry Company,	ib.
supplement to act for preservation of deer	
and other game,	38
to dam off Cape Island creek,	40
to annex Petty's Island to Delaware town-	
ship, Camden county,	41

	Page.	PUB
Public acts—to authorize sale of real estate by townships of Dover, Middletown, and Howell, Monmouth county,	41	
to set off township of Union, and to annex to Bergen county,	43	
supplement to act to regulate elections, (establishing congressional districts),	48	
supplement to act to prevent fraudulent elections by incorporated companies,	49	
supplement to act for relief of creditors,	62	
supplement to act to limit the hours of labor,	63	
to confirm official acts of Benjamin Dye,	64	
to set off township of Shamong, Burlington county,	ib.	
to alter boundary line between Newark and Clinton, Essex county,	68	
supplement to act establishing lunatic asylum,	74	
requiring annual reports from railroad and canal companies,	82	
incorporating homestead and building companies,	83	
to repeal act relating to school districts in Rahway township,	85	
supplement to act relating to manufacturing companies,	87	
further supplement to act for punishment of crimes,	ib.	
supplement to act concerning idiots and lunatics,	91	
supplement to act concerning estates of deceased insolvents,	94	
to authorize incorporation of plank road companies,	95	
to annex part of Vernon township, Sussex county, to Hardyston,	106	
further supplement to act to facilitate administration of justice,	107	

PUB. Public acts—supplement to act authorizing the drain-

ing of low grounds,	108
to incorporate the town of Hudson,	118
to authorize enclosure of land in Pequannac township, Morris county, called Tom's point,	126
for relief of creditors against incorporations, supplement to,	140
supplement to act authorizing the business of banking,	141
supplement to act incorporating townships (relating to Burlington, Somerset, and Warren counties),	ib.
relative to fishing in Collver's and Long pond, and lake Hopatcong,	143
relative to the appointment of prosecutors of the pleas,	152
to annex part of Mansfield to the township of Oxford, Warren county,	153
to authorize sale of part of Matinicum island,	154
relative to foreign judgments,	155
relative to fishing in Oldman's creek,	156
supplement to act relating to schools in Salem,	157
to authorize partition of lands in cases where undivided shares are limited over,	ib.
to provide for incorporation of insurance companies,	159
for more speedy collection of taxes in West Milford, Passaic county,	172
to change the time for holding town meetings in Pahaquarry,	173
in relation to all companies transacting the business of life insurance in this state,	174
respecting the Hudson brigade,	194
concerning streets in town of Elizabethport,	201
supplement to act for protection of bridges,	206
further supplement to act regulating fisheries in river Delaware,	212

	Page.	PUB
Public acts—to alter act to incorporate town of Belvidere,	215	—
to repeal act regulating elections in Franklin township, Gloucester county,	216	
to change mode of voting at town meetings in township of Wallpack, Sussex county,	ib.	
further supplement to act to incorporate city of Camden,	217	
supplement to act to regulate practice of the courts of law,	218	
further supplement to act to establish militia system,	221	
supplement to act concerning justices of the peace,	ib.	
to exempt from sale, by execution, a homestead,	222	
further supplement to act regulating practice of courts of law,	225	
to annex part of Hohokus township to Washington, in the county of Bergen,	226	
for the purchase of Stephens' Historical Index,	ib.	
further supplement to act to incorporate city of Trenton,	227	
supplement to act to establish township of Hoboken,	229	
to prevent swine running at large in this state,	230	
supplement for the preservation of clams and oysters,	232	
making appropriation to erect offices to preserve records at Perth Amboy and Burlington,	ib.	
supplement to act to establish township of Hoboken,	244	
to make taxes a lien on real estate in Paterson,	247	
supplement to act for settlement, &c., of poor,	253	
to authorize subscription to the Freehold and Jamesburg Railroad by Camden and Amboy Railroad Company, &c.,	255	

PUB Public acts—supplement to act respecting court of chancery,	256
to authorize construction of bridge to Tonkin's island,	258
to correct act relative to streets in Elizabethport,	274
to prevent importation of paupers and vagrants into certain counties,	277
relative to freight and transit duties on railroads,	317
supplement to act relative to the court of errors and appeals,	346
supplement to act for suppression of lotteries,	348
making appropriation for New Jersey Colonization Society,	373
supplement to act for preservation of sheep,	384
supplement to act annexing part of Vernon, to Hardyston township, Sussex county,	387
supplement to act to prevent frauds by incorporated companies,	397
supplement to act to incorporate town of Belvidere,	398
supplement to act respecting public schools in Trenton,	399
concerning a certain loan by city of Trenton,	400
authorizing heating apparatus in state prison,	401
further supplement to act respecting conveyances,	404
authorizing New Jersey Railroad Company to construct a road near the Hackensack river,	406
for securing the property of married women,	407
to authorize construction of water works at Jersey City,	419
further supplement to act relative to abatement of suits, &c.,	430
farther supplement to act to incorporate city of Trenton,	431
supplement to act to incorporate city of Paterson,	442

	Page.	PUB
Public acts—to authorize sale of state lands at Paterson,	445	————
supplement to act relative to distribution of laws, &c., (copies for members to be bound),	446	
supplement to act against usury, (allowing seven per cent. in Jersey City, &c.),	447	
further supplement to act to regulate elections, (single assembly district bill),	462	
supplement to act for support of government, (relative to pay of doorkeeper, &c.),	466	
supplement to act making lands liable for debts,	476	
supplement to act to authorize formation of societies for protection of property,	477	
further supplement to act to authorize the business of banking,	478	
to authorize construction of water works at Paterson,	501	
supplement to act to incorporate Jersey City,	519	
to provide for collection of tax due from banks, &c.,	525	
regulating proceedings of courts in cases of erroneous taxation,	526	
regulating draws in bridges over Hackensack river,	531	
to prevent accidents from locomotive engines on railroads,	532	
relative to the lunatic asylum,	533	
relative to the service, &c., of notices in legal proceedings,	ib.	
supplement to act relative to commissioners of deeds, &c., (increasing the number of, in other states),	534	
to defray incidental expenses,	535	
relative to the laws of this state, &c., (no enrolled copy of journals to be made),	540	
relative to taxes in city of Paterson,	ib.	

SAL**R.**

Railroad and canal companies to make annual reports,	82
Railroad companies—supplement to act incorporating Somerville and New Brunswick,	117
supplement to act incorporating Freehold and Jamesburg,	170
supplement to act incorporating Belvidere Delaware,	172
supplement to act incorporating Belvidere and Water Gap,	257
to incorporate Camden and Atlantic,	263
to incorporate Newark and Bloomfield,	467
to prevent accidents by locomotive engines on,	532
Railroads—relative to freight and transit duties on,	317
Rahway township—repealing part of law relating to certain school districts,	85
Red Bank Steamboat Company—act to incorporate,	68
Resolutions—See joint resolutions,	543
Ringwood and Long Pond Turnpike Company—act to repeal charter of,	76
Riverton Improvement Company—act to incorporate,	208
Road Company—act to incorporate Millville and Ma- laga,	278
Road—near Hackensack, to be constructed by New- ark Turnpike Company,	406
Rumsey, George C.—to deliver certain deeds,	322

S.

Sailor, James—act for relief of,	408
Salem and Gloucester Turnpike Company—supple- ment to act to incorporate,	75
township, act to limit school tax therein,	157
county, act to incorporate Farmers' Mutual Insurance Company of,	258
County Mutual Fire Insurance Company, supplement to act,	293

Salem and Woodstown Turnpike Company—act to incorporate,	328	STE
Savings Institution at New Brunswick—supplement to act,	495	
Scott, Nancy—executors of, empowered to execute will,	371	
Shamong—township of, erected,	64	
Sheep—supplement to act for preservation of,	384	
Shiffler Hose Company at Camden—act to incorporate,	275	
Shrewsbury and Middletown Steamboat Company—act to incorporate,	89	
Mutual Fire Insurance Company—supplement to act to incorporate,	220	
Plank Road Company—act to incorporate,	237	
School districts in Rahway township—act repealing part of law relating to,	85	
Schools—relative to, in Salem township, a supplement,	157	
in Trenton, supplement to act concerning,	399	
School fund—in Burlington city, act incorporating managers of,	195	
trustees of state, authorized to sell land at Paterson,	445	
Somerville and New Brunswick Railroad Company—supplement to act,	117	
Aqueduct Company, act to incorporate,	134	
Somerset county—relative to election of township officers in,	141	
State prison—act to authorize heating of,	401	
Steamboat Company—at Red Bank, act to incorporate,	69	
at Paulsboro', act to incorporate,	114	
at Keyport, act to incorporate,	324	
the Barnegat and Toms River, act to incorporate,	527	
Steam Navigation Company—act to incorporate the Oldmans' Creek,	259	
Streets at Elizabethport—act relative to,	201	
Stephens' Historical Index—appropriation for,	226	

	Page.
SUP Suits—further supplement to act to prevent abatement of,	430
Sussex Iron Company—supplement to act incorporating,	86
Sussex county—alteration of boundary line between Vernon and Hardyston townships,	106
Swamps, &c.—supplement to act to enable owners to drain,	108
Swine—act to prevent, from running at large in Hackensack and Harrington townships,	24
act to prevent, from running at large in state, (general law),	230
Supplement—to act incorporating townships,	22
to act incorporating Pavonia Ferry Company,	23
to act incorporating New Jersey Exploring and Mining Company,	26
to militia act,	32
to act incorporating Newark Plank Road and Ferry Company,	36
to act for preservation of deer and other game,	38
to act regulating elections, (congress districts),	48
to act to prevent fraudulent elections by incorporated companies,	49
to act for relief of creditors, (authorizing justices of the peace to issue attachments),	62
to act limiting the hours of labor,	63
to act incorporating South Branch Mining Company,	73
to act establishing lunatic asylum,	74
to act incorporating Gloucester and Salem Turnpike Company,	75
to act incorporating Sussex Iron Company,	86
to act authorizing manufacturing companies,	87
to act concerning idiots and lunatics,	91
to act concerning estates of persons who die insolvent,	94
to act enabling owners to drain swamps, &c.,	108

Supplement—to act for relief of creditors against corporations,	140
to act incorporating inhabitants of townships,	141
to act incorporating Westfield and Camden Turnpike Company,	151
to act respecting schools in Salem township,	157
to act incorporating Freehold and Jamesburg Railroad Company,	170
to act for protection of bridges,	206
to act regulating fisheries in river Delaware,	212
to act regulating practice of courts of law,	218
to act incorporating Shrewsbury Mutual Fire Insurance Company,	220
to act respecting justices of the peace, &c.,	221
to act establishing township of Hoboken,	229
to act for preservation of clams and oysters,	232
to act for erection of offices at Perth Amboy and Burlington to preserve proprietors' records,	232
to act incorporating Odd Fellows' Hall Association at Camden,	235
to act for settlement and relief of the poor,	253
to act respecting court of chancery,	256
to act incorporating Belvidere and Water Gap Railroad Company,	257
to act incorporating Farmers' Mutual Insurance Company at Salem,	258
to act incorporating Proprietors of Trenton water works,	289
to act incorporating Salem Mutual Fire Insurance Company,	293
to act incorporating Jersey City Gas Light Company,	294
to act incorporating Union Turnpike Company, in Morris and Sussex counties,	314
to act incorporating Trenton Mutual Life and Fire Insurance Company,	315
to act incorporating Camden, Ellisburg, and Marlton Turnpike Company,	316

	Page.
SUP Supplement—to act incorporating Glassboro' and Carpenter's Landing Turnpike Company,	326
to act concerning court of errors and appeals,	346
to act for suppression of lotteries,	348
to act for preservation of sheep,	384
to act setting off part of Vernon township, Sussex county, to Hardyston,	387
to act to prevent frauds by incorporated companies,	397
to act to incorporate the town of Belvidere,	398
to act respecting public schools in Trenton,	399
to act incorporating Passaic Mining and Manufacturing Company,	406
to act incorporating Camden and Philadelphia Steamboat Ferry Company,	431
to act incorporating city of Paterson,	442
to act relating to distribution of pamphlet laws, &c.,	446
to act incorporating Trenton Iron Company,	ib.
to act against usury,	447
to act for support of government of this state,	466
to act making lands liable for debts,	476
to act authorizing formation of societies for protection of property,	477
to act incorporating New Brunswick Savings Institution,	495
to act incorporating Woodbury and Camden Turnpike Company,	499
to act incorporating Chingarora Dock Company,	531
to act regulating draws in bridges over the Hackensack river,	ib.
to act to prevent accidents from locomotive engines on railroads,	532
to act relative to commissioners of deeds in other states,	534
to act relative to the laws of this state, &c.,	540
to mechanics' lien law,	31

Supplement (further)—relative to juries and verdicts,	32	TON
relative to executions and sale of property,	36	—
to act for punishment of crimes,	87	
to act incorporating Belvidere Manufacturing Company,	90	
to act to facilitate administration of justice,	107	
to act authorizing the business of banking,	141	
to act authorizing the business of banking,	478	
to act relative to fishing in Oldman's creek,	156	
to act incorporating Belvidere Delaware Railroad Company,	172	
to act incorporating Morristown Fire Association,	213	
to act incorporating city of Camden,	217	
to act establishing a militia system,	221	
to act regulating practice of courts of law,	225	
to act incorporating city of Trenton,	227	
to act incorporating city of Trenton,	431	
to act establishing the township of Hoboken,	244	
to act incorporating Paterson Fire Association,	386	
to act respecting conveyances,	404	
to act to prevent the abatement of suits and reversals of judgments,	430	
to act regulating elections,	462	
to act incorporating the city of Paterson,	540	

T.

Taxation—act to regulate proceedings in courts relative to,	526
Taxes—in townships of West Milford and Deptford, act relative to,	172
to be a lien on real estate in Passaic county,	247
due from banks, act for collection of,	525
in city of Paterson, act relative to,	540
Tom's point—certain lands at, in Morris county, to be enclosed,	126
Toms River and Barnegat Steamboat Company—act to incorporate,	527
Tonkin's island—act to authorize bridge from,	258

TRE Township of Bordentown erected,

of Delaware, Camden county, act to annex Petty's island to,	41
of Union set off from Hudson county,	43
of Shamong erected,	64
line between Newark and Clinton altered,	68
line between Vernon and Hardyston altered,	106
line between Vernon and Hardyston altered,	387
line between Mansfield and Oxford altered,	153
line between Hohokus and Washington altered,	226
of Pahaquarry, time for holding town meetings in, altered,	173
of Franklin, Gloucester county, act relative to elections in,	216
of Wallpack, Sussex county, mode of elections changed,	ib.
of Hoboken, supplement to act to create,	229
Townships—supplement to act incorporating inhabitants of,	22
of Hackensack and Harrington, to restrain cattle, &c., from running at large therein,	24
of Dover, Middletown, and Howell, may sell farm,	41
incorporating inhabitants of, further supplement to,	141
Transit duties on railroads—act relative to,	317
Treasurer to construct vault in his office—See joint resolutions,	545
authorized to borrow money—See joint resolutions,	549
Trenton—water works by city, authorized to be erected,	9
further supplement to act incorporating city of,	227
further supplement to act incorporating city of,	431
act relative to water loan,	400
supplement respecting public schools in city of,	399

	Page.	
Trenton—incorporating Hose Company,	236	TUR
supplement to act incorporating Proprietors of Water Works,	289	
supplement to Mutual Life and Fire Insu- rance Company of,	315	
Iron Company, supplement to act to incorpo- rate,	446	
Tuckerton and Medford Turnpike Company—act to incorporate,	388	
Turner, Sarah, and James Anderson—act relative to,	177	
Turnpike Company—supplement to act incorporating Gloucester and Salem,	75	
to repeal act incorporating Ringwood and Long Pond,	76	
supplement to act incorporating Westfield and Camden,	151	
to incorporate Millville and Port Elizabeth,	294	
to incorporate Vincentown and Mount Holly,	304	
supplement to act incorporating Camden, El- lisburg, and Marlton,	316	
supplement to act incorporating Union,	314	
supplement to act incorporating Glassboro' and Carpenter's Landing,	326	
to incorporate Salem and Woodstown,	328	
to incorporate Upper Pittsgrove and Pitts- grove,	338	
to incorporate Williamstown and Good In- tent,	349	
to incorporate Westville and Glassboro',	361	
to incorporate Pittstown and Bridgeton,	374	
to incorporate Medford and Tuckerton,	388	
to incorporate Camden and Atlantic,	409	
to incorporate Bridgeton and Deerfield,	433	
to incorporate Mount Holly and Moores- town,	448	
to incorporate Woodstown and Pennsgrove,	483	
to incorporate Woodbury and Camden,	499	
to incorporate Mount Holly and Pemberton,	510	

WEC**U.**

Union—township of, act to set off from Hudson to Bergen county,	43
Manufacturing Company, act to amend charter of,	93
Turnpike Company, supplement to act to incorporate,	314
Usury—supplement to act against,	447

V.

Vagrants and paupers—act to prevent importation of, into certain counties,	277
Verdicts and juries—further supplement to act relative to,	32
Vernon township—part of, annexed to Hardyston, relative to boundary of,	106 387
Vincentown and Mount Holly Turnpike Company—act to incorporate,	304

W.

Wallpack township—mode of elections in, changed,	216
Ward, James, and Francis Lee—act for relief of,	545
Warren county—act relative to election of township officers of,	141
Washington township, Bergen county—boundary of, enlarged,	226
Water works—act to authorize inhabitants of city of Trenton to construct,	9
at Trenton, supplement to act to incorporate the proprietors of,	289
at Jersey City, act to authorize construction of,	419
at Paterson, act to authorize construction of,	501
Water Gap and Belvidere Railroad Company—supplement to act to incorporate,	257
Weccacoe Fire Company at Camden incorporated,	252

	Page.	
Weehawken Ferry Company—act to incorporate,	401	ZOA
Wells, Horatio T.—act to confirm title of, to certain lands,	288	
West Jersey Academy at Bridgeton—act to incorporate,	47	
West Milford township—act relative to taxes therein,	172	
Westfield and Camden Turnpike Company—supple- ment to act to incorporate,	151	
Westville and Glassboro' Turnpike Company—act to incorporate,	361	
Williamstown and Good Intent Turnpike Company— act to incorporate,	349	
Woodbury and Camden Turnpike Company—act to incorporate,	499	
Woodstown and Salem Turnpike Company—act to incorporate,	328	
Woodstown and Pennsgrove Turnpike Company—act to incorporate,	483	
Women—for the better securing the property of mar- ried,	407	

Z.

Zinc Mines Plank Road Company—act to incorporate,	186
Zoar Methodist Episcopal Church—act for relief of trustees of,	206



ABSTRACT
OF THE
POPULATION AND STATISTICS
OF THE
STATE OF NEW JERSEY,
ACCORDING TO THE CENSUS OF 1850.

PREPARED UNDER THE DIRECTION OF THE
SUPERINTENDENT OF THE CENSUS DEPARTMENT,
AT WASHINGTON.

~~~~~  
Ordered to be printed, as an appendix to the Pamphlet Laws of 1852.

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1852.



POPULATION.

ATLANTIC COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Galloway	1,180	1,077	2,257	21	29	50	2,307
Great Eggharbor..	1,351	1,272	2,623	35	30	65	2,688
Hamilton	1,049	906	1,955	33	27	60	2,015
Mullica	484	402	886	15	17	32	918
Weymouth	529	500	1,029	2	1	3	1,032
Total.....	4,593	4,157	8,750	106	104	210	8,960

Slaves—1 male, and 1 female—total 2

BERGEN COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Franklin	876	811	1,687	26	28	54	1,741
Hackensack	1,638	1,568	3,206	158	122	280	3,486
Harrington	523	484	1,007	103	85	188	1,195
Hohokus	1,010	1,013	2,023	124	124	248	2,271
Lodi	504	444	948	84	81	165	1,113
New Barbadoes...	924	1,006	1,930	167	161	328	2,258
Saddle River	389	319	708	59	49	108	816
Washington	805	780	1,585	108	111	219	1,804
Total.....	6,669	6,425	13,094	829	761	1,590	14,684

Slaves—21 male, and 20 female—total 41.

BURLINGTON COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Burlington	426	398	824	17	22	39	863
“ city	1,884	2,233	4,117	202	217	419	4,536
Chesterfield	2,119	2,162	4,281	120	113	233	4,514
Chester	1,753	1,744	3,497	64	37	101	3,598
Evesham	1,421	1,349	2,770	153	144	297	3,067
Little Eggharbor ..	1,052	936	1,988	17	15	32	2,020
Mansfield	1,464	1,412	2,876	48	29	77	2,953
Medford	1,440	1,460	2,900	62	60	122	3,022
New Hanover	1,075	1,018	2,093	82	70	152	2,245
Northampton	1,371	1,535	2,906	54	75	129	3,035
Pemberton	1,427	1,361	2,788	34	44	78	2,866
Southampton	1,811	1,710	3,521	12	12	24	3,545
Springfield	931	873	1,804	13	10	23	1,827
Washington	1,064	875	1,939	38	32	70	2,009
Westhampton	635	675	1,310	105	92	197	1,507
Willingboro'	786	794	1,580	11	5	16	1,596
Total	20,659	20,535	41,194	1,032	977	2,009	43,203

CAMDEN COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Camden city	4,215	4,583	8,798	311	370	681	9,479
Delaware	1,123	1,041	2,164	211	202	413	2,577
Gloucester	1,175	1,087	2,262	57	52	109	2,371
Haddonfield	369	436	805	15	24	39	844
Newton	617	588	1,205	188	183	371	1,576
Union	382	373	755	170	170	340	1,095
Gloucester city	935	1,237	2,172	6	10	16	2,188
Washington	1,077	1,000	2,077	17	20	37	2,114
Waterford	852	706	1,558	43	37	80	1,638
Winslow	811	718	1,529	6	5	11	1,540
Total	11,556	11,769	23,325	1,024	1,073	2,097	25,422

CAPE MAY COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Dennis.....	825	774	1,599	2	3	5	1,604
Lower.....	715	721	1,436	77	91	168	1,604
Middle.....	903	916	1,819	31	34	65	1,884
Upper.....	650	686	1,336	4	1	5	1,341
Total....	3,093	3,097	6,190	114	129	243	6,433

CUMBERLAND COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Bridgeton.....	1,100	1,130	2,230	104	112	216	2,446
Cohansey.....	497	504	1,001	13	20	33	1,034
Deerfield.....	472	451	923	2	2	4	927
Downe.....	1,189	1,128	2,317	16	8	24	2,341
Fairfield.....	990	957	1,947	95	91	186	2,133
Greenwich.....	421	438	859	166	133	299	1,158
Hopewell.....	699	639	1,338	74	68	142	1,480
Maurice River....	1,105	1,055	2,160	38	47	85	2,245
Millville.....	1,201	1,123	2,324	3	5	8	2,332
Stow Creek.....	535	536	1,071	11	11	22	1,093
Total....	8,209	7,961	16,170	522	497	1,019	17,189

ESSEX COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Belleville	1,723	1,695	3,418	41	54	95	3,513
Bloomfield	1,619	1,670	3,289	47	49	96	3,385
Caldwell	1,225	1,131	2,356	10	10	20	2,376
Clinton	1,213	1,251	2,464	27	17	44	2,508
Elizabeth	2,552	2,833	5,385	99	99	198	5,583
Livingston	596	542	1,138	7	6	13	1,151
Newark city	18,520	19,310	37,830	472	591	1,063	38,893
New Providence ..	571	633	1,204	9	3	12	1,216
Orange	2,115	2,161	4,276	53	56	109	4,385
Plainfield	1,045	1,294	2,339	53	54	107	2,446
Rahway	1,573	1,542	3,115	89	102	191	3,306
Springfield	980	929	1,909	16	20	36	1,945
Union	778	802	1,580	42	40	82	1,662
Westfield	711	769	1,480	50	45	95	1,575
Total.....	35,221	36,562	71,783	1,015	1,146	2,161	73,944

Slaves—2 male, and 4 female—total 6.

GLOUCESTER COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Deptford.....	1,542	1,540	3,082	138	135	273	3,355
Franklin	1,559	1,389	2,948	19	17	36	2,984
Greenwich	1,552	1,436	2,988	33	46	79	3,067
Harrison	1,054	902	1,956	16	12	28	1,984
Woolwich	1,607	1,454	3,061	109	95	204	3,265
Total.....	7,314	6,721	14,035	315	305	620	14,655

HUDSON COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Bergen	1,315	1,253	2,568	98	92	190	2,758
Harrison	678	606	1,284	32	28	60	1,344
Hoboken	1,269	1,370	2,639	14	15	29	2,668
Jersey City	3,224	3,510	6,734	49	73	122	6,856
North Bergen	1,797	1,704	3,501	40	35	75	3,576
Van Vorst	2,198	2,395	4,593	8	16	24	4,617
Total	10,481	10,838	21,319	241	259	500	21,819

Slaves—1 male, and 1 female—total 2.

HUNTERDON COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Alexandria	1,865	1,903	3,768	21	22	43	3,811
Amwell	1,150	1,129	2,279	120	106	226	2,505
Bethlehem	1,359	1,348	2,707	17	22	39	2,746
Clinton	1,186	1,145	2,331	20	17	37	2,368
Delaware	1,254	1,246	2,500	32	22	54	2,554
Franklin	728	705	1,433	7	12	19	1,452
Kingwood	884	908	1,792	2	5	7	1,799
Lambertville	662	711	1,373	23	21	44	1,417
Lebanon	1,049	1,068	2,117	6	4	10	2,127
Raritan	1,475	1,484	2,959	49	58	107	3,066
Readington	1,372	1,387	2,759	39	38	77	2,836
Tewksbury	1,126	1,068	2,194	59	47	106	2,300
Total	14,110	14,102	28,212	395	374	769	28,981

Slaves—4 male, and 4 female—total 8.

MERCER COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
East Windsor.....	1,280	1,222	2,502	49	45	94	2,596
Ewing.....	704	642	1,346	61	73	134	1,480
Hamilton.....	1,386	1,339	2,725	45	37	82	2,807
Hopewell.....	1,685	1,763	3,448	124	124	248	3,696
Lawrence.....	845	812	1,657	92	86	178	1,835
Nottingham.....	2,217	2,174	4,391	67	31	98	4,489
Princeton.....	1,343	1,144	2,487	241	293	534	3,021
Trenton.....	2,795	3,150	5,945	228	293	521	6,466
West Windsor....	752	734	1,486	63	47	110	1,596
Total.....	13,007	12,980	25,987	970	1,029	1,999	27,986

Slaves—1 male, and 5 female—total 6.

MIDDLESEX COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Monroe.....	1,514	1,405	2,919	42	40	82	3,001
North Brunswick..	4,540	4,996	9,536	202	270	472	10,008
Perth Amboy.....	885	918	1,803	29	33	62	1,865
Piscataway.....	1,358	1,396	2,754	111	110	221	2,975
South Amboy.....	1,160	1,063	2,223	19	24	43	2,266
South Brunswick..	1,552	1,536	3,088	155	125	280	3,368
Woodbridge.....	2,444	2,488	4,932	86	123	209	5,141
Total.....	13,453	13,802	27,255	644	725	1,369	28,624

Slaves—1 male, and 10 female—total 11.

MONMOUTH COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Atlantic.....	702	612	1,314	93	86	179	1,493
Freehold.....	1,263	1,158	2,421	101	111	212	2,633
Howell.....	1,985	2,041	4,026	16	16	32	4,058
Manalapan.....	860	825	1,685	108	109	217	1,902
Marlboro'.....	708	679	1,387	85	82	167	1,554
Middletown.....	1,523	1,414	2,937	159	149	308	3,245
Millstone.....	832	784	1,616	31	28	59	1,675
Ocean.....	1,833	1,760	3,593	85	89	174	3,767
Raritan.....	1,946	1,943	3,889	136	140	276	4,165
Shrewsbury.....	1,387	1,402	2,789	191	200	391	3,180
Upper Freehold...	1,144	1,126	2,270	138	153	296	2,566
Total....	14,183	13,744	27,927	1,143	1,168	2,311	30,238

Slaves—43 male, and 32 female—total 75.

MORRIS COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Chatham.....	1,118	1,215	2,333	70	66	136	2,469
Chester.....	675	637	1,312	14	8	22	1,334
Hanover.....	1,704	1,776	3,480	68	60	128	3,608
Jefferson.....	716	638	1,354	3	1	4	1,358
Mendham.....	832	841	1,673	21	26	47	1,720
Morris.....	2,254	2,462	4,716	131	145	276	4,992
Pequannock.....	2,039	1,896	3,935	89	92	181	4,116
Randolph.....	1,354	1,258	2,612	13	7	20	2,632
Rockaway.....	1,610	1,495	3,105	18	16	34	3,139
Roxbury.....	1,141	1,068	2,209	33	27	60	2,269
Washington.....	1,219	1,193	2,417	52	33	85	2,502
Total....	14,662	14,484	29,146	512	481	993	30,139

Slaves—7 male, and 12 female—total 19.

OCEAN COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Brick	783	768	1,551	3	4	7	1,558
Dover	1,243	1,123	2,366	10	9	19	2,385
Jackson	667	645	1,312	12	9	21	1,333
Plumstead	754	758	1,512	55	46	101	1,613
Stafford	715	669	1,384	.....	.....	.....	1,384
Union	897	861	1,758	.....	1	1	1,759
Total....	5,059	4,824	9,883	80	69	149	10,032

PASSAIC COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Acquackanonck ...	1,485	1,352	2,837	51	37	88	2,925
Manchester	1,302	1,333	2,635	64	82	146	2,781
Paterson	5,307	5,813	11,120	98	120	218	11,338
Pompton	872	769	1,641	38	41	79	1,720
Wayne	557	540	1,097	34	33	67	1,164
West Milford	1,397	1,195	2,592	18	14	32	2,624
Total....	10,920	11,002	21,922	303	327	630	22,552

Slaves—7 male, and 16 female—total 23.

SALEM COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Elsinborough	263	228	491	88	76	164	655
L. Alloway's Cr'k	645	603	1,248	101	74	175	1,423
L. Penn's Neck	668	591	1,259	94	76	170	1,429
Mannington	780	657	1,437	409	341	750	2,187
Pilesgrove	1,334	1,287	2,621	178	163	341	2,962
Pittsgrove	607	544	1,151	-----	-----	-----	1,151
Salem	1,305	1,539	2,844	85	123	208	3,052
U. Alloway's Cr'k	1,207	1,127	2,334	97	99	196	2,530
U. Penn's Neck	1,232	1,150	2,382	19	21	40	2,422
U. Pittsgrove	820	828	1,648	6	2	8	1,656
Total.....	8,861	8,554	17,415	1,077	975	2,052	19,467

SOMERSET COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Bedminster	845	825	1,670	78	66	144	1,814
Bernard's	1,100	1,094	2,194	39	30	69	2,263
Branchburg	525	519	1,044	48	45	93	1,137
Bridgewater	1,854	1,936	3,790	135	145	280	4,070
Franklin	1,329	1,260	2,589	248	225	473	3,062
Hillsboro'	1,533	1,552	3,085	163	156	319	3,404
Montgomery	740	758	1,498	130	135	265	1,763
Warren	1,051	1,044	2,095	30	23	53	2,148
Total.....	8,977	8,988	17,965	871	825	1,696	19,661

Slaves—15 male, and 12 female—total 27.

SUSSEX COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Byram	706	620	1,326	9	5	14	1,340
Frankford	987	912	1,899	20	22	42	1,941
Greene	403	417	820	2	1	3	823
Hardiston	678	658	1,336	7	1	8	1,344
Lafayette	467	461	928				928
Montague	502	464	966	19	24	43	1,009
Newton	1,633	1,614	3,247	16	16	32	3,279
Sandiston	671	637	1,308	12	7	19	1,327
Sparta	975	900	1,875	20	24	44	1,919
Stillwater	874	863	1,737	3	2	5	1,742
Vernon	1,312	1,303	2,615	1	3	4	2,619
Walpack	375	362	737	26	20	46	783
Wantage	1,916	1,968	3,884	26	24	50	3,934
Total	11,499	11,179	22,678	161	149	310	22,988

Slave—1 female.

WARREN COUNTY.

TOWNSHIPS.	WHITE POPULATION.			FREE COLORED.			Total Free Population.
	Male.	Female.	Total.	Male.	Fem.	Total.	
Belvidere	448	495	943	29	29	58	1,001
Blairstown	727	673	1,400	2	3	5	1,405
Franklin	803	736	1,539	14	11	25	1,564
Frelinghuysen	610	649	1,259	7	11	18	1,277
Greenwich	1,904	1,748	3,652	43	31	74	3,726
Hardwick	380	346	726	1		1	727
Harmony	767	793	1,560	2	2	4	1,564
Hope	854	861	1,715	23	17	40	1,755
Independence	1,314	1,291	2,605	10	6	16	2,621
Knowlton	690	647	1,337	8	11	19	1,356
Mansfield	797	759	1,556	25	34	59	1,615
Oxford	872	819	1,691	17	10	27	1,718
Papaquary	246	214	460				460
Washington	808	739	1,547	7	13	20	1,567
Total	11,220	10,770	21,990	188	178	366	22,356

Slaves—2 male.

POPULATION OF THE STATE BY COUNTIES.

COUNTIES.	WHITE POPULATION.			FREE COLORED.			Total Free Population.	SLAVES.			Aggregate Population.
	Male.	Female.	Total.	Male.	Female.	Total.		Male.	Fem.	Total.	
Atlantic	4,593	4,157	8,750	106	104	210	8,960	.....	1	1	8,961
Bergen	6,669	6,425	13,094	829	761	1,590	14,684	21	20	41	14,725
Burlington	20,659	20,535	41,194	1,032	977	2,009	43,203	.....	.....	.....	43,203
Camden	11,556	11,769	23,325	1,024	1,073	2,097	25,422	.....	.....	.....	25,422
Cape May	3,093	3,097	6,190	114	129	243	6,433	.....	.....	.....	6,433
Cumberland	3,209	7,961	16,170	522	497	1,019	17,189	.....	.....	.....	17,189
Essex	35,221	36,562	71,783	1,015	1,146	2,161	73,944	2	4	6	73,950
Gloucester	7,314	6,721	14,035	315	305	620	14,655	.....	.....	.....	14,655
Hudson	10,481	10,838	21,319	241	259	500	21,819	1	1	2	21,821
Hunterdon	14,110	14,102	28,212	395	374	769	28,981	4	4	8	28,989
Mercer	13,207	12,980	25,987	970	1,029	1,999	27,986	1	5	6	27,992
Middlesex	13,453	13,802	27,255	644	725	1,369	28,624	1	10	11	28,635
Monmouth	14,183	13,744	27,927	1,143	1,168	2,311	30,238	43	32	75	30,313
Morris	14,662	14,484	29,146	512	481	993	30,139	7	12	19	30,158
Ocean	5,059	4,824	9,883	80	69	149	10,032	.....	.....	.....	10,032
Passaic	10,920	11,002	21,922	303	327	630	22,552	7	16	23	22,575
Salem	8,861	8,554	17,415	1,077	975	2,052	19,467	.....	.....	.....	19,467
Somerset	8,977	8,988	17,965	871	825	1,696	19,661	15	12	27	19,688
Sussex	11,499	11,179	22,678	161	149	310	22,988	.....	1	1	22,989
Warren	11,220	10,770	21,990	188	178	366	22,356	2	.....	2	22,358
Total	233,746	232,494	466,240	11,542	11,551	23,093	489,333	104	118	222	489,555

DEAF AND DUMB.

COUNTIES.	WHITES.										COLORED.										Aggregate Number.
	Under 10.		10 and under 30.		30 and under 70.		70 and upwards.		Total Whites.		Under 10.		10 and under 30.		30 and under 70.		70 and upwards.		Total Colored.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
Atlantic	2	---	5	4	2	1	---	---	9	5	---	---	---	---	1	---	---	---	1	---	15
Bergen	1	---	3	---	2	---	---	---	6	---	---	---	2	1	---	---	---	---	2	1	9
Burlington	5	---	8	1	2	3	---	---	15	4	---	---	---	1	---	---	---	---	1	---	20
Camden	---	1	2	3	1	6	---	---	3	10	---	---	---	1	---	---	---	---	---	1	14
Cape May	---	---	1	1	3	---	---	---	4	1	---	---	---	---	---	---	---	---	---	---	5
Cumberland	---	2	3	1	1	1	---	---	4	4	---	---	---	---	---	---	---	---	---	---	8
Essex	---	1	4	4	4	8	---	---	8	13	---	---	---	---	---	---	---	---	---	---	21
Gloucester	3	1	1	3	---	---	1	---	5	4	---	---	---	---	---	---	---	---	---	---	9
Hudson	3	1	---	---	2	---	---	---	5	1	---	---	---	---	---	---	---	---	---	---	6
Hunterdon	---	---	3	5	3	5	---	2	6	12	---	---	---	---	---	---	---	---	---	---	18
Mercer	1	---	2	3	4	4	---	---	7	7	---	---	---	2	---	---	---	2	---	---	16
Middlesex	1	---	1	1	---	1	---	---	2	2	---	---	---	---	---	---	---	---	---	---	4
Monmouth	1	1	5	3	4	2	---	---	10	6	---	---	---	1	---	---	---	1	---	---	17
Morris	---	---	1	---	2	---	1	---	4	2	---	---	1	---	---	---	---	---	1	---	7
Ocean	1	---	---	1	4	1	---	---	5	2	---	---	---	---	---	---	---	---	---	---	7
Passaic	2	1	4	1	4	1	---	---	10	3	---	---	---	---	---	---	---	---	---	---	13
Salem	---	---	---	---	2	---	---	---	2	---	---	---	---	---	---	---	---	---	---	---	2
Somerset	---	---	---	1	1	1	---	---	1	2	---	---	---	1	---	---	---	---	---	1	4
Sussex	1	---	---	---	---	1	---	---	1	1	---	---	---	---	---	---	---	---	---	---	2
Warren	1	1	1	1	1	---	1	---	4	2	---	---	---	---	---	---	---	---	---	---	6
Total	22	9	44	33	42	37	3	2	111	81	---	---	2	4	5	---	---	---	7	4	203

DEAF AND DUMB—Continued.

COUNTIES.	WHO CANNOT READ AND WRITE.										PLACE OF BIRTH.			
	WHITES.					COLORED.					Aggregate No.	Born in the State.	Born in the United States.	Born in Foreign Countries.
	20 and under 30.		30 and upwards.		Total Whites.	20 and under 30.		30 and upwards.		Total Col'd.				
	M.	F.	M.	F.		M.	F.	M.	F.					
Atlantic	2	---	1	---	3	---	---	---	---	3	15	---	---	
Bergen	---	---	---	---	---	---	1	---	---	1	9	---	---	
Burlington	1	---	---	---	1	---	---	---	---	1	18	2	---	
Camden	---	---	---	---	---	---	---	---	---	---	14	---	---	
Cape May	---	---	---	---	---	---	---	---	---	---	5	---	---	
Cumberland	---	---	---	---	---	---	---	---	---	---	8	---	---	
Essex	---	---	2	3	5	---	---	---	---	5	16	1	4	
Gloucester	---	---	---	---	---	---	---	---	---	---	9	---	---	
Hudson	---	---	---	---	---	---	---	---	---	---	3	1	2	
Hunterdon	---	3	1	3	7	---	---	---	---	7	16	2	---	
Mercer	---	---	1	---	1	---	---	---	---	1	13	2	1	
Middlesex	---	---	---	---	---	---	---	---	---	---	3	1	---	
Monmouth	---	---	2	1	3	---	---	1	---	1	14	2	1	
Morris	---	---	---	3	3	---	---	---	---	3	7	---	---	
Ocean	---	---	2	1	3	---	---	---	---	3	6	---	1	
Passaic	---	---	---	1	---	---	---	---	---	---	10	1	2	
Salem	---	---	---	---	---	---	---	---	---	---	2	---	---	
Somerset	---	---	---	---	---	---	---	---	---	---	3	---	1	
Sussex	---	---	---	---	---	---	---	---	---	---	2	---	---	
Warren	---	---	---	---	---	---	---	---	---	---	6	---	---	
Total	3	3	9	11	26	---	1	1	---	2	28	179	12	

RECAPITULATION.

White Males111

" Females81—Total White192

Colored Males7

" Females4—Total Col'd11

Total203

Natives191

Foreigners12

Total203

Aggregate203

RECAPITULATION.

White Males	111		
" Females	81	—Total White	192
Colored Males	7		
" Females	4	—Total Col'd	11
Total	203	Aggregate	203
Natives	191		
Foreigners	12		
Total	203		

BLIND.

COUNTIES.	WHITES.										COLORED.			
	Under 10.		10 and under 30.		30 and under 70.		70 and upwards.		Total Whites.		Under 10.		10 and under 30.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Atlantic			1		2	3	1		4	3				
Bergen					2		4		6					
Burlington		1	1	1	7	3	6	5	14	10				
Camden		1			2	2	2		4	3				1
Cape May		1			1	2	1		2	3				
Cumberland			1	1		2	4	1	5	4				
Essex	1		2		7	10	3	5	13	15				
Gloucester							2		2					
Hudson	4	1	1	2	2	2			7	5				
Hunterdon			1		2	1	1	2	4	3				
Mercer			1		2	2		1	3	3				
Middlesex					1	3	1		2	3				1
Monmouth				1	1	1	2	1	3	3				
Morris			2	1	3	1	2	1	7	3				
Ocean					1				1					
Passaic			2		7	1	1		10	1				
Salem			1		6	2	1	1	8	3				
Somerset			1		3	3			4	3	1			
Sussex					2	2	4	2	6	4				
Warren			3	1			6	2	9	3		1		
Total.....	5	4	17	7	51	40	41	21	114	72	1	1		2

BLIND—Continued.

COUNTIES.	COLORED.						Aggregate Number.	PLACE OF BIRTH.			
	30 and under 70.		70 and upwards.		Total Colored.			Born in the State.	Born in the U. S.	Born in Foreign Countries.	Unknown.
	M.	F.	M.	F.	M.	F.					
Atlantic							7	6	1		
Bergen		1			1		7	6	1		
Burlington			1	1	1	1	26	18	5	3	
Camden			1	2	1	3	11	7	4		
Cape May				1		1	6	5		1	
Cumberland	1				1		10	10			
Essex		2		1		3	31	23	4	4	
Gloucester	1				1		3	1	2		
Hudson	1				1		13	8	1	4	
Hunterdon							7	6	1		
Mercer	2				2		8	7	1		
Middlesex						1	6	6			
Monmouth							6	6			
Morris				2		2	12	9	1	2	
Ocean							1	1			
Passaic		1		1		2	13	5	4	4	
Salem			2	1	2	1	14	11	3		
Somerset				1	1	1	9	8	1		
Sussex							10	8	1	1	
Warren						1	13	11	2		
Total	5	4	4	10	10	17	213	162	32	19	

RECAPITULATION.			
White Males	114		
“ Females	72	—Total White	186
Colored Males	10		
“ Females	17	—Total Colored	27
Total	213	Aggregate	213
Natives	194		
Foreigners	19		
Total	213		

RECAPITULATION.

White Males	114		
" Females	72	—Total White	186
Colored Males	10		
" Females	17	—Total Colored	27
Total	213	Aggregate	213
Natives	194		
Foreigners	19		
Total	213		

INSANE.

COUNTIES.	WHITES.														COLORED.							
	Under 10.		10 and under 20.		20 and under 40.		40 and under 60.		60 and under 80.		80 and upwards.		Total Whites.		10 and under 20.		20 and under 40.		40 and under 60.		60 and under 80.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Atlantic						2							2									
Bergen				2		2			2		4	1	1	10								
Burlington			3	1	4	7	5	3	2	5		3	14	19				1		4	1	
Camden			2	1	6	6	3	2	2	3			13	12								
Cape May							2	1	2		2		6	1							1	
Cumberland		1	3		5	4	5	1		7	1		14	13								
Essex					5	5	5	10	2	2			12	17								
Gloucester			1			2					1		4									
Hudson					7	1	3						10	1								
Hunterdon					1	1	2	5	2	2			5	8								
Mercer			2	2	44	32	23	25	6	4			75	63					1			
Middlesex							3	1	2				5	1		1						
Monmouth						1	5	3		1	1	1	6	6								
Morris					1	1	5	2	4				10	3								
Ocean							1		1				2									
Passaic						1		2	1				1	3								
Salem			1				2	2		1			5	3				1				
Somerset					2	2	2			4			4	6								
Sussex	1			1	3	2	4	3	1	1			9	7								
Warren				1	1	1		1					1	3								
Total	1	1	12	8	83	68	70	63	25	34	6	4	197	178	---	1	1	1	---	5	2	---

I N S A N E—Continued.

COUNTIES.	COLORED.				Aggregate Number.	PLACE OF BIRTH.			
	80 and upwards.		Total Colored.			Born in the State.	Born in the U. S.	Born in Foreign Countries.	Unknown.
	M.	F.	M.	F.					
Atlantic.....					2	2			
Bergen.....					11	10	1		
Burlington.....			1	5	39	31	4	4	
Camden.....					25	23		1	1
Cape May.....			1		8	6	1	1	
Cumberland.....		1	1		28	27		1	
Essex.....					29	24	2	3	
Gloucester.....					4	4			
Hudson.....					11	4	5	1	1
Hunterdon.....					13	11	2		
Mercer.....				1	139	117	5	17	
Middlesex.....				1	7	6	1		
Monmouth.....					12	11	1		
Morris.....					13	12		1	
Ocean.....					2	2			
Passaic.....					4	1		3	
Salem.....			1		9	7		2	
Somerset.....					10	9	1		
Sussex.....					16	15	1		
Warren.....					4	4			
Total.....		1	4	7	386	326	24	34	2

RECAPITULATION..			
White Males	197		
“ Females	178	—Total White	375
Colored Males	4		
“ Females	7	—Total Colored	11
Total	386	Aggregate	386
Natives	350		
Foreigners	36	(including 2 unknown):	
Total	386		

Hudson county—1 female slave, insane, between 60 and 80 years of age.

Memorandum of Mercer County:

In this county is the New Jersey Lunatic Asylum, having 128 inmates, viz. Idiotic 1, Insane 127.

RECAPITULATION.

White Males	197		
“ Females	178	—Total White	375
Colored Males	4		
“ Females	7	—Total Colored	11
Total	386	Aggregate	386
Natives	350		
Foreigners	36	(including 2 unknown):	
Total	386		

Hudson county—1 female slave, insane, between 60 and 80 years of age.

Memorandum of Mercer County:

In this county is the New Jersey Lunatic Asylum, having 128 inmates, viz. Idiotic 1, Insane 127.

IDIOTIC.

COUNTIES.	WHITES.														COLORED.									
	Under 10.		10 and under 20.		20 and under 40.		40 and under 60.		60 and under 80.		80 and upwards.		Total Whites.		Under 10.		10 and under 20.		20 and under 40.		40 and under 60.		60 and under 80.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Atlantic					1								1											
Bergen			1		3	1	1		1				6	1										
Burlington	2	3	6		5	3	4	4	2	1			19	11					1					
Camden		1		3	6		1						7	4	1									
Cape May					4	1		1	1				5	2										
Cumberland	3	1	4	5	3	3	1						11	9			2			1				1
Essex	2	2	5	2	8	12	3	1		1			18	18					1				1	
Gloucester	2	1	4		5	2	2	1					13	4									1	1
Hudson		1	1	3	1	1							2	5										
Hunterdon		1	2	1	7	12	6	2	3			1	18	17					1					
Mercer			2	4	4	3	1	4	2				9	11					2					
Middlesex				1	7	2	3	1	2				12	4										
Monmouth	1	1	6	1	6	4	4	2		1			17	9			1							
Morris	1		7	2	6	5	7	5	2	2		1	23	15										
Ocean	1		1	3	1	2	2		1				6	5										
Passaic	1		1	3	11	6	5	1					18	10										
Salem	2	1			7	1	3	6		2			13	10					1					
Somerset	1		1		4	6	4		1	1			11	7			2							
Sussex	1		4	6	10	6	3	2	1	1			19	15										
Warren			1	2	8	2	4	5	1	2			14	11										
Total	17	12	46	36	107	72	54	35	17	11	2	241	168		1	3	2	4	3				1	2

IDIOTIC—Continued.

COUNTIES.	COLORED.				Aggregate Number.	PLACE OF BIRTH.			RECAPITULATION.			
	80 and upwards.		Total Colored.			Born in the State.	Born in the U. S.	Born in Foreign Countries.	White Males	241	Total White	409
	M.	F.	M.	F.					Colored Males	9		
									“ Females	7		
								Total	425	Aggregate	425	
								Natives	409			
								Foreigners	16			
								Total	425			
Atlantic					1	1						
Bergen					7	7						
Burlington			1		31	27	3	1				
Camden			1		12	8	3	1				
Cape May					7	6	1					
Cumberland			2	2	24	24						
Essex			1	1	38	28	5	5				
Gloucester				1	18	16	1	1				
Hudson					7	3	3	1				
Hunterdon			1		36	36						
Mercer			2		22	20		2				
Middlesex					16	16						
Monmouth			1		27	26	1					
Morris					38	35	2	1				
Ocean					11	11						
Passaic					28	23	2	3				
Salem				1	24	22	1	1				
Somerset				2	20	20						
Sussex					34	33	1					
Warren					25	24	1					
Total			9	7	425	385	24	16				

N. B. Below is given a list of all those persons who are afflicted in more ways than one—they have been placed under both heads, viz:

				AGE.
Cumberland county,	1	female,	Deaf, Dumb, and Blind,	34
Essex	“	1	“ Deaf, Dumb, and Idiotic,	24
Mercer	“	1	“ Deaf, Dumb, and Blind,	54
“	“	1	“ Deaf, Dumb, and Idiotic,	34
“	“	1	“ Blind and Insane,	59
Monmouth	“	1	“ Deaf, Dumb, and Idiotic,	24
Passaic	“	1	“ Deaf, Dumb, and Idiotic,	15
Salem,	“	1	“ Blind and Idiotic,	38
Somerset	“	1	“ Deaf, Dumb, and Idiotic,	30

Of these, eight are natives of New Jersey, and the other, (Blind and Insane 59) of New York, they can therefore be omitted under either head without creating confusion or destroying the accuracy of the work.

AGRICULTURE.

ATLANTIC COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1ST, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Eggharbor	6,211	8,932	294,450	12,306	254	17	506	51	891	1,002	749	34,464
Galloway	6,018	6,466	212,150	7,643	188	8	389	75	740	245	581	25,509
Mullica	505	1,438	32,500	1,455	35	44	62	13	97	-----	135	7,541
Hamilton	1,323	4,355	63,325	4,002	74	10	110	22	200	136	384	10,805
Weymouth.....	949	13,394	83,000	1,980	47	9	114	42	296	166	320	9,747
Total.....	15,006	34,585	685,425	27,386	598	88	1,181	203	2,224	1,549	2,169	88,066

ATLANTIC COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products, in dollars.	Wine, gallons of.
Eggharbor	4,098	2,756	30,625	1,473	.....	2,257	131	6,220	2,364	.....	433	1,064	.....
Galloway	1,679	2,809	18,318	1,859	.....	658	158	3,929	1,228	.....	13	857	.....
Mullica	172	242	3,030	85	.....	.....	60	1,145	188	.....	10	268	.....
Hamilton	638	1,374	7,495	97	20	205	107	3,233	838	.....	87	393	.....
Weymouth.....	795	1,169	9,400	160	.....	398	8	2,065	435	.....	130	75	.....
Total....	7,382	8,350	68,868	3,674	20	3,518	464	16,592	5,053	.....	673	2,657	.....

ATLANTIC COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaugh- tered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.		Value of Home- made manufactures.
Eggharbor	2,137	21,186	.....	4,398	.....	204	3	.....	.....	.....	735	5,669	8,540
Galloway	1,593	10,405	.....	3,889	.....	8	210	.....	.....	.....	482	2,793	7,740
Mullica	615	1,260	.....	41	.....	.....	33	.....	.....	.....	30	419	1,709
Hamilton	1,093	2,041	.....	223	.....	.....	81	.....	.....	.....	430	530	4,143
Weymouth	85	4,050	.....	1,018	.....	.....	15	.....	.....	.....	.....	.....	175
Total	5,523	38,942	.....	9,569	.....	212	342	.....	.....	.....	1,677	9,411	22,307

BERGEN COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Harrington	9,084	1,151	596,300	21,240	208	10	329	111	174	250	441	38,774
Hohokus	11,911	9,156	928,515	40,205	437	20	845	171	274	348	946	78,712
Washington	14,781	1,528	839,900	39,048	386	33	574	139	220	265	944	69,561
Franklin	10,721	6,397	743,050	25,800	337	8	597	154	305	235	221	51,990
Hackensack	14,857	6,406	1,457,375	66,343	446	8	752	241	408	292	1,149	82,898
Lodi	3,572	1,777	386,300	18,575	108	5	217	77	181	240	262	24,179
New Barbadoes	8,702	1,003	680,070	42,310	267	6	392	115	175	47	527	46,659
Saddle River	6,866	816	606,600	25,645	184	2	292	80	145	34	396	33,645
Total	80,494	28,234	6,238,110	279,166	2,373	92	3,998	1,088	1,882	1,711	4,886	426,418

BERGEN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Harrington	382	6,527	11,647	3,199	.....	419	.....	16,514	.....	.....	2,607	3,797	.....
Hohokus	946	10,707	20,879	10,514	.....	781	125	12,964	.....	.....	11,060	5,419	.....
Washington	1,572	10,341	19,590	7,825	250	436	1	24,029	.....	.....	7,593	7,801	.....
Franklin	982	10,607	21,145	10,252	.....	302	138	12,798	.....	.....	9,573	1,747	60
Hackensack	1,047	16,507	32,933	11,232	40	809	.....	48,131	.....	15	6,676	15,513	23
Lodi	1,363	4,303	8,405	3,622	.....	594	.....	11,020	.....	.....	2,400	2,875	.....
New Barbadoes	1,302	9,967	21,478	7,008	.....	.....	.....	22,797	.....	.....	4,141	6,546	.....
Saddle River.....	1,756	7,786	14,632	4,034	.....	17	.....	18,115	.....	100	4,674	2,830	.....
Total.....	9,350	76,745	150,709	57,686	290	3,418	264	166,368	.....	115	48,724	46,528	83

BERGEN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Harrington	3,226	23,578	.....	1,384	1	11	.....	.....	.....	.....	692	.....	5,622
Hohokus	11,692	62,804	.....	3,122	69	1	.....	15	1	30	1,734	97	15,459
Washington	5,067	42,322	.....	2,464	26	2	.....	.....	.....	25	2,250	.....	12,742
Franklin	326	32,970	20	2,226	32	4	.....	.....	.....	177	1,652	116	11,568
Hackensack	27,600	79,064	.....	3,183	.....	.....	.....	50	3	.....	.....	.....	17,996
Lodi	13,590	20,146	.....	929	.....	.....	.....	.....	.....	.....	320	.....	4,830
New Barbadoes	14,200	40,781	.....	1,857	.....	.....	.....	.....	.....	.....	.....	.....	9,719
Saddle River	12,990	27,094	.....	1,417	.....	.....	.....	.....	.....	.....	.....	.....	6,145
Total	88,691	328,759	20	16,582	128	18	.....	65	4	232	6,648	213	84,081

BURLINGTON COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1ST, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Evesham	16,693	2,038	1,340,710	28,280	654	59	1,518	22	521	1,653	2,872	117,904
Medford	12,587	2,118	978,500	18,451	480	21	1,104	322	399	1,408	2,410	85,309
Washington	2,389	3,998	129,900	3,885	125	51	225	28	221	99	586	20,439
Egg Harbor	7,420	4,188	185,450	7,935	117	17	391	71	601	348	638	24,791
Southampton	15,634	4,133	1,299,200	34,375	519	50	1,321	40	750	2,250	4,424	121,449
New Hanover	14,476	8,805	1,024,095	18,734	463	37	883	12	453	2,512	4,241	78,072
Pemberton	9,338	2,735	774,650	16,530	323	20	219	6	275	985	2,906	66,555
Springfield	16,406	1,375	1,279,350	33,305	486	45	1,552	18	973	2,527	4,791	131,628
Mansfield	17,719	2,364	1,294,670	49,225	627	14	1,415	20	939	2,371	4,065	122,827
Westhampton	6,993	886	572,700	16,420	238	8	756	4	303	689	1,795	56,365
Chesterfield	13,110	2,444	1,079,400	31,175	427	22	886	27	1,894	5,125	3,433	112,685
Chester	9,100	2,810	886,045	33,769	349	52	820	.....	330	428	1,573	63,449
Willingboro'	2,895	780	123,100	7,908	112	.....	195	.....	122	37	501	15,117
Burlington	4,605	1,107	447,580	12,515	164	4	343	.....	161	388	674	26,699
Northampton	2,652	889	251,200	3,710	119	13	217	2	62	161	467	20,123
Total	132,017	40,670	11,666,550	316,217	5,203	413	12,545	572	8,004	20,981	35,376	1,063,412

BURLINGTON COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bush-els of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bush-els of.	Value of Orchard Products.	Wine, gallons of.
Evesham	15,629	10,206	89,780	11,112	.....	4,107	3	58,909	9,183	.....	4,106	3,278	.....
Medford	8,782	18,650	79,964	7,973	.....	2,952	.....	37,177	4,625	.....	2,858	1,003	.....
Washington	830	2,655	11,645	745	.....	70	.....	4,626	388	.....	198	.....	.....
Eggharbor	1,751	1,787	17,435	2,873	.....	873	.....	6,088	1,062	.....	254	550	.....
Southampton	12,925	23,380	109,290	8,443	.....	6,544	.....	33,245	818	.....	3,589	6,103	.....
New Hanover	10,153	14,978	94,140	4,477	.....	7,758	.....	26,735	485	.....	1,460	5,336	.....
Pemberton	6,578	10,764	67,368	6,465	.....	2,955	25	23,502	766	.....	3,168	3,030	.....
Springfield	14,382	13,198	102,955	19,990	.....	5,167	.....	32,145	1,221	.....	1,823	5,991	245
Mansfield	20,250	8,915	89,575	30,950	.....	3,861	.....	33,052	2,029	10	4,150	8,792	.....
Westhampton	11,281	1,645	46,180	13,705	.....	1,554	.....	18,904	330	.....	1,199	3,181	.....
Chesterfield	17,406	6,839	78,800	30,587	.....	5,875	130	24,410	6,555	.....	1,022	6,235	.....
Chester	19,662	1,237	47,926	9,639	.....	990	703	38,067	15,746	.....	1,629	5,692	.....
Willingboro'	3,793	875	11,785	2,000	.....	8	385	7,770	2,187	.....	1,736	1,176	.....
Burlington	5,571	1,496	21,308	5,946	.....	702	802	11,264	1,638	.....	1,890	2,831	10
Northampton	3,376	2,295	14,860	4,493	.....	365	.....	8,567	649	.....	662	235	.....
Total	152,369	118,920	883,011	159,398	.....	43,781	2,048	364,461	47,682	10	29,744	53,433	255

BURLINGTON COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Evesham.....	120	57,220	113,411	6,679	3	25	.....	.....	.....	.....	1,020	55	51,194
Medford.....	330	47,285	55,570	4,577	.....	36	.....	.....	.....	.....	781	.....	36,275
Washington.....	75	6,405	250	519	.....	.....	.....	.....	.....	.....	.....	.....	4,375
Eggharbor.....	25	11,515	.....	2,919	.....	.....	.....	.....	.....	.....	.....	.....	6,307
Southampton.....	75	65,509	30,900	5,012	5	143	.....	.....	.....	.....	.....	.....	32,580
New Hanover.....	.....	54,428	9,980	2,632	.....	5	.....	.....	.....	.....	.....	.....	35,055
Pemberton.....	.....	41,455	25,600	2,627	.....	144	.....	.....	.....	.....	.....	275	29,075
Springfield.....	.....	86,370	52,313	5,603	.....	24	.....	.....	.....	.....	.....	.....	43,719
Mansfield.....	4,040	97,928	7,050	4,575	17	36	.....	.....	.....	.....	.....	.....	38,855
Westhampton.....	.....	48,388	23,700	2,504	38	.....	.....	.....	.....	.....	107	10½	21,340
Chesterfield.....	2,940	65,595	2,700	3,752	10	145	.....	.....	.....	.....	100	.....	52,887
Chester.....	20,916	56,538	14,968	3,116	5	14	.....	.....	.....	.....	442	60	24,916
Willingboro'.....	8,645	11,231	1,508	683	15	7	.....	.....	.....	.....	135	28	5,136
Burlington.....	11,908	26,401	200	2,044	22	3	.....	.....	.....	.....	465	5	8,811
Northampton.....	2,565	10,600	790	936	.....	.....	.....	.....	.....	.....	.....	.....	3,855
Total.....	51,639	688,868	238,940	41,763	115	582	.....	.....	.....	.....	3,050	433½	394,380

CAMDEN COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Waterford	3,992	16,614	372,798	11,077	139	61	256	5	131	71	597	29,218
Gloucester	10,324	9,023	681,450	26,802	361	62	530	16	252	212	1,567	57,737
Winslow	1,956	18,652	230,305	7,620	100	93	150	10	88	64	465	20,551
Washington	8,155	29,302	600,660	20,270	306	64	407	2	220	269	1,360	46,654
Newton	7,858	1,037	961,580	27,267	322	45	777	10	189	301	1,409	58,647
Union	5,494	993	446,025	15,901	183	11	376	4	98	386	565	28,371
Delaware	16,189	1,795	1,358,230	44,685	513	41	1,173	10	357	830	3,044	103,185
Total	53,968	77,416	4,651,048	153,622	1,924	377	3,669	57	1,330	2,133	9,107	344,363

CAMDEN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Waterford	4,462	1,870	18,540	1,165	.....	16½	.....	22,746	1,188	.....	1,633	700	.....
Gloucester	12,378	5,194	54,985	2,005	.....	535	.....	75,075	3,592	.....	2,236	1,870	.....
Winslow	1,278	2,370	10,890	525	.....	149	.....	7,325	625	.....	607	405	.....
Washington	7,535	4,541	40,590	1,667	.....	810	.....	67,447	717	.....	1,230	1,310	.....
Newton	17,280	912	42,334	7,677	.....	180	25	56,399	11,950	.....	2,146	3,105	.....
Union	7,536	2,179	23,645	1,010	.....	938	2	24,670	8,996	.....	764	1,910	.....
Delaware	15,971	5,072	68,700	7,090	.....	.....	.....	54,207	38,123	.....	2,004	11,005	.....
Total	66,440	22,138	259,684	22,139	.....	2,777	27	307,869	65,191	.....	10,620	20,805	.....

CAMDEN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaughtered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.		Value of Home-made manufactures.
Waterford		21,435	100	905			65				595		7,363
Gloucester		44,792	1,010	1,956	25	3	116				1,002	114	15,473
Winslow		10,865	350	320			53				300	60	8,408
Washington		35,175	4,450	1,701			63				645	42	9,626
Newton	7,306	63,608	200	3,071									19,348
Union	6,440	27,981	1,872	1,471									10,294
Delaware	28,555	95,000	12,900	3,522									1,870
Total	42,301	299,856	20,882	12,946	25	3	297				2,542	216	72,382

CAPE MAY COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1ST, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Dennis	3,030	7,038	177,300	3,848	111	7	295	52	473	687	535	19,776
Middle	5,345	10,074	255,750	8,566	196	-----	487	69	664	1,646	705	28,260
Lower	3,578	6,201	181,100	5,332	140	4	338	2	401	781	335	17,575
Upper	2,357	14,340	210,800	4,125	93	4	318	58	406	735	330	13,349
Total	14,310	37,653	824,950	21,871	504	15	1,438	181	1,944	3,849	1,905	82,960

CAPE MAY COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bush-els of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bush-els of.	Value of Orchard Products.	Wine, gallons of.
Dennis.....	3,389	322	17,720	2,925	.....	1,596	.....	4,719	1,148	.....	43	412	.....
Middle.....	6,881	51	36,040	4,204	.....	5,326	.....	4,625	1,124	.....	.....	1,522	.....
Lower.....	3,879	27	17,935	3,001	.....	1,595	.....	2,943	745	.....	.....	110	.....
Upper.....	2,185	1,002	13,220	897	.....	1,632	5	2,300	944	.....	18	144	.....
Total.....	16,334	1,402	84,915	11,027	.....	10,149	5	14,587	3,961	.....	61	2,188	.....

CAPE MAY COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaugh- tered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.		Value of Home- made manufactures.
Dennis .....	.....	9,869	.....	2,331	.....	.....	.....	.....	.....	.....	.....	633	5,420
Middle .....	.....	15,030	.....	3,789	.....	.....	.....	.....	.....	.....	.....	488	8,161
Lower .....	.....	10,355	.....	1,776	.....	4	.....	.....	.....	.....	.....	139	5,304
Upper	70	11,015	.....	2,076	.....	.....	.....	.....	.....	.....	.....	165	1,695
Total	70	46,269	.....	9,972	.....	4	.....	.....	.....	.....	.....	1,425	20,580

CUMBERLAND COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Bridgeton	2,018 $\frac{1}{2}$	1,154	98,150	5,715	97	6	140	.....	135	229	220	11,784
Deerfield	6,925	5,012	323,650	14,825	253	15	338	.....	258	937	825	30,374
Cohansey	940	616 $\frac{1}{2}$	53,300	2,611	41	.....	72	.....	35	34	91	4,935
Stow Creek	5,840	3,318	320,650	13,786	259	24	346	2	318	416	746	29,526
Greenwich	5,034 $\frac{1}{4}$	3,351	388,525	13,733	209	23	366	14	380	631	617	29,549
Hopewell	11,186	6,292	620,375	28,575	456	19	643	3	585	868	1,319	44,143
Fairfield	5,953	17,643	353,725	16,396	275	16	569	38	946	1,047	1,119	40,491
Millville	2,209	5,878	104,700	5,975	95	10	217	6	268	344	321	13,486
Downe	4,222	15,620	315,000	13,425	212	10	514	102	949	699	726	31,714
Mauricetown	4,142	12,762	176,300	8,945	193	6	360	71	660	622	643	27,462
Total	48,469 $\frac{3}{4}$	71,646 $\frac{1}{2}$	2,754,375	123,986	2,090	129	3,565	236	4,534	5,827	6,627	263,463

CUMBERLAND COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Bridgeton	3,181	127	15,730	3,471	.....	467	7	3,860	154	.....	330	385	.....
Deerfield	8,486	272	39,486	14,792	.....	2,249	51	9,824	239	.....	7,264	3,075	.....
Cohansey	1,961	178	7,975	795	.....	221	11	2,822	220	.....	387	.....	.....
Stow Creek	8,598	42	42,325	10,722	.....	1,325	48½	14,377	549	.....	5,520	971	.....
Greenwich	13,305	15	52,096	9,037	.....	1,731	.....	27,353	161	.....	809	1,696	.....
Hopewell	20,112	.....	76,955	24,748	.....	2,356	187	31,336	2,904	.....	6,259	1,283	.....
Fairfield	11,731	325	65,475	13,717	.....	1,980	117	11,462	12,657	.....	512	930	.....
Millville	1,095	762	12,150	1,175	.....	843	27	3,090	1,061	.....	142	545	.....
Downe	5,851	655	34,175	4,089	.....	1,097	.....	5,930	1,323	.....	1,357	1,230	.....
Mauricetown	3,680	2,488	23,900	1,862	.....	1,561	81	1,901	1,901	.....	1,255	1,137	2
Total	78,000	4,864	370,267	84,408	.....	13,830	529½	116,144	21,169	.....	21,835	11,252	2

CUMBERLAND COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaught- tered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.		Value of Home- made manufactures.
Bridgeton	793	7,895	-----	487	-----	4	-----	-----	-----	-----	25	14	3,218
Deerfield	1,130	19,345	-----	1,024	310	6	-----	-----	-----	-----	1,350	13	10,783
Cohansey	500	3,525	425	204	6	2	-----	-----	-----	-----	-----	8	988
Stow Creek	1,118	22,380	3,415	1,679	179	20	-----	-----	-----	-----	672	111	7,755
Greenwich	753	25,725	250	2,891	34	-----	-----	-----	-----	-----	-----	52	9,024
Hopewell	2,536	31,052	100	2,972	361	1,188	165	-----	-----	-----	1,680	330	14,650
Fairfield	569	17,050	-----	4,731	-----	-----	-----	-----	-----	-----	-----	-----	10,930
Millville	470	13,350	-----	617	10	100	2	-----	-----	-----	855	425	3,035
Downe	-----	16,230	-----	2,516	-----	-----	52	-----	-----	-----	2,165	640	7,215
Mauricetown	50	18,250	150	4,674	-----	89	83	-----	-----	-----	1,750	1,579	9,703
Total	7,919	174,802	4,340	21,795	900	1,409	302	-----	-----	-----	8,497	3,172	78,301

ESSEX COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Imple-ments and Machinery.	LIVE STOCK, JUNE 1ST, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Livingston	5,630	3,516	318,650	13,427	221	.....	512	138	378	312	375	37,199
Bloomfield	2,461	750	233,600	7,225	127	.....	195	28	158	56	242	18,791
Orange	3,921	2,813	483,900	14,387	203	.....	425	56	360	282	324	36,000
Springfield	7,685 $\frac{1}{2}$	1,083	399,760	11,706	186	18	435	134	340	146	448	39,260
New Providence	5,727 $\frac{1}{2}$	1,537	279,380	7,974	173	6	328	74	252	79	305	26,319
Clinton	5,659 $\frac{1}{2}$	1,152	725,800	26,417	229	14	551	46	276	30	377	44,406
Union	9,635 $\frac{1}{2}$	1,957	896,200	32,738	361	14	831	98	411	230	580	65,699
Caldwell	7,416	4,057	509,700	25,010	276	1	647	146	588	351	569	53,686
Elizabeth	4,682 $\frac{1}{2}$	1,083	584,500	12,659	218	4	517	38	141	.....	392	38,137
Westfield and Plainfield..	12,211 $\frac{1}{2}$	3,573	977,370	38,825	472	4	855	184	523	538	807	81,118
West ward of Newark ...	297	126	187,200	1,795	32	.....	71	6	25	75	67	6,055
Rahway	6,324	1,312	538,550	12,326	241	.....	389	90	351	223	504	41,182
North ward of Newark ...	652	114	220,600	2,849	39	.....	47	12	14	.....	62	6,340
Belleville	4,067	207	493,375	18,977	173	.....	258	33	148	14	366	27,903
Fifth ward of Newark ...	376	59	87,300	2,656	33	.....	37	4	17	.....	99	4,532
South ward of Newark ...	204	68	53,100	1,610	13	.....	35	2	3	8	22	2,800
Total	76,947	23,407	6,988,985	230,581	2,997	61	6,133	1,089	3,985	2,344	5,539	529,427

ESSEX COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Livingston.....	1,876	590	13,322	6,399	.....	991	145	7,883	.....	.....	552	1,309	.....
Bloomfield.....	1,711	2,583	8,623	3,791	.....	150	11	8,215	.....	.....	1,096	1,905	.....
Orange.....	3,188	1,308	16,605	7,171	.....	605	11	6,710	.....	.....	1,779	2,619	.....
Springfield.....	2,172	2,656	15,902	10,817	.....	460	95	6,590	.....	.....	1,613	1,583	.....
New Providence.....	2,072	104	13,288	9,954	.....	222	222	7,569	40	37	2,658	490	20
Clinton.....	2,837	1,279	21,315	9,612	.....	120	.....	15,915	.....	48	920	3,087	150
Union.....	3,322	2,177	40,598	20,731	.....	548	.....	21,360	.....	30	1,911	6,259	.....
Caldwell.....	2,740	5,601	23,200	10,621	.....	660	142	18,050	.....	48	2,000	2,930	.....
Elizabeth.....	1,650	226	23,072	11,343	.....	.....	.....	12,943	.....	55	1,589	2,004	.....
Westfield and Plainfield..	7,478	2,598	54,247	38,026	.....	1,072	117	20,883	89	105	5,723	7,566	32
West ward of Newark...	276	100	3,330	880	.....	150	2	1,600	.....	.....	10	868	.....
Rahway.....	1,987	247	29,635	16,308	.....	1,452	89	14,614	5	50	2,654	2,633	12
North ward of Newark...	798	242	4,264	755	.....	.....	.....	1,347	.....	.....	166	110	.....
Belleville.....	2,044	3,838	23,465	4,467	.....	36	300	10,899	.....	.....	1,890	202	20
Fifth ward of Newark.....	326	110	4,495	580	.....	.....	.....	1,415	.....	.....	50	1,044	.....
South ward of Newark...	160	.....	1,715	310	.....	.....	.....	3,155	.....	.....	.....	210	.....
Total.....	34,637	23,653	297,076	151,765	.....	6,466	1,134	159,148	134	373	24,611	34,819	234

ESSEX COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Livingston	80	36,915	.....	2,256	.....	.....	.....	.....	.....	.....	25	.....	7,697
Bloomfield	725	14,760	.....	1,109	.....	4	.....	.....	.....	.....	365	.....	3,343
Orange	1,748	26,515	.....	1,880 $\frac{1}{2}$	.....	6	.....	.....	.....	.....	434	.....	6,702
Springfield	64	26,762	50	1,843	2	8 $\frac{1}{2}$	.....	.....	.....	.....	120	.....	6,461
New Providence	46	19,610	315	1,598	35	81	.....	.....	.....	.....	.....	.....	3,960
Clinton	4,975	25,335	.....	3,003 $\frac{1}{2}$	.....	.....	.....	.....	.....	.....	.....	.....	6,519
Union	310	38,995	170	4,123 $\frac{1}{2}$	.....	.....	.....	.....	.....	.....	.....	.....	11,972
Caldwell	802	62,265	.....	3,734	.....	24	.....	.....	.....	.....	1,810	52	10,829
Elizabeth	6,780	12,550	.....	1,973	2 $\frac{1}{2}$	31	.....	.....	.....	.....	.....	.....	22,277
Westfield and Plainfield ..	695	72,466	150	3,382	84 $\frac{1}{2}$	306	.....	305	17	.....	1,317	812	18,758
West ward of Newark	940	3,830	.....	136	.....	.....	.....	.....	.....	.....	75	.....	1,271
Rahway	25	31,915	.....	2,389	.....	66	.....	.....	.....	.....	380	.....	6,975
North ward of Newark	1,817	3,675	.....	432	.....	.....	.....	.....	.....	.....	30	.....	813
Belleville	2,495	1,450	.....	1,124	.....	.....	.....	.....	.....	.....	.....	.....	4,711
Fifth ward of Newark	30	.....	.....	126	.....	.....	.....	.....	.....	.....	.....	.....	4,218
South ward of Newark	10,400	1,190	.....	178	.....	.....	.....	.....	.....	.....	.....	.....	1,985
Total	31,932	378,233	685	29,287 $\frac{1}{2}$	124	526 $\frac{1}{2}$	.....	305	17	.....	4,556	864	118,481

GLOUCESTER COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Woolwich	17,592	5,776	1,029,340	36,257	602	12	1,034	19	507	347	2,638	84,378
Harrison	11,856½	5,691	729,185	37,778	453	18	727	-----	262	510	2,045	66,163
Deptford	16,442	6,786	1,228,320	44,503	545	31	952	4	451	850	3,019	84,298
Greenwich	15,626	6,368	1,039,258	50,164	610	9	972	4	544	686	2,704	90,584
Franklin	7,294	28,276	522,025	22,670	319	79	344	-----	223	365	1,017	43,041
Total	68,810½	52,897	4,548,128	191,372	2,529	149	4,029	27	1,987	2,758	11,423	368,464

GLOUCESTER COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Woolwich	12,229	9,368	104,841	2,589	.....	537	.....	37,427	95,997	.....	2,609	3,909	.....
Harrison	12,893	4,216	67,475	3,850	.....	517	.....	53,720	7,254	.....	3,551	2,605	.....
Deptford	15,390	6,538	79,285	2,401	.....	500	.....	58,835	78,445	.....	781	7,226	37
Greenwich	12,919	7,822	86,130	1,160	.....	1,339	.....	74,405	72,815	.....	2,741	6,225	.....
Franklin	5,606	4,422	42,490	1,336	.....	186	.....	29,577	359	.....	2,429	3,030	745
Total	59,037	32,366	380,221	11,336	.....	3,079	.....	253,964	254,870	.....	12,111	22,995	782

GLOUCESTER COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaughtered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.		Value of Home-made manufactures.
Woolwich	6,085	43,407	200	3,785	—	80	—	—	—	—	—	347	34,010
Harrison	240	38,770	7,795	2,139	42	2	—	—	—	—	—	277	25,322
Deptford	20,325	68,485	2,200	3,662	—	—	—	—	—	—	—	—	20,608
Greenwich	17,679	80,070	2,100	3,651	—	—	—	—	—	—	—	—	24,597
Franklin	—	26,300	—	915	1	—	4	—	—	—	—	—	7,787
Total	44,329	257,032	12,295	14,152	43	82	4	—	—	—	—	624	112,324

HUDSON COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Bergen	3,006½	1,625½	1,391,495	19,845	199	5	357	103	106	-----	657	36,919
Van Vorst	87	31	440,100	2,600	14	-----	19	-----	2	-----	119	1,970
North Bergen.....	2,452½	2,426	697,450	19,605	167	17	398	102	228	66	225	33,374
Harrison	2,606½	2,416	319,750	7,215	77	2	166	72	126	96	97	16,536
Hoboken.....	1,071	1,231	116,200	5,595	41	2	95	31	39	17	59	8,302
Total.....	9,223½	7,729½	2,964,995	54,860	498	26	1,035	308	501	179	1,157	97,101

HUDSON COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Bergen	2,117	2,077	11,767	2,703	.....	.....	.....	10,878	.....	120	186	190	.....
Van Vorst	450	844	13,076	3,020	.....	47	.....	12,327	.....	15	577	1,587	60
North Bergen	878	2,324	8,492	2,858	.....	85	.....	7,237	.....	.....	1,865	1,930	.....
Harrison	218	802	3,820	1,092	.....	.....	.....	2,243	.....	.....	1,370	660	.....
Hoboken .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	3,663	6,047	37,155	9,673	.....	132	.....	32,885	.....	135	3,998	4,367	60

HUDSON COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaugh- tered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.		Value of Home- made manufactures.
Bergen	47,514	230	.....	1,814	.....	.....	.....	.....	.....	.....	.....	.....	5,742
Van Vorst	21,100	.....	.....	63	.....	.....	.....	.....	.....	.....	.....	.....	892
North Bergen	13,415	31,383	.....	1,267	1½	.....	81	.....	.....	.....	805	.....	4,508
Harrison	7,440	10,530	.....	702	1	.....	.....	.....	.....	.....	330	.....	4,811
Hoboken	2,150	7,750	.....	310	.....	.....	.....	.....	.....	.....	.....	.....	877
Total	91,619	49,893	.....	4,161	2½	.....	81	.....	.....	.....	1,135	.....	16,830

HUNTERDON COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Imple- ments and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Alexandria	23,073	5,917	1,467,460	66,540	995	10	1,278	18	1,009	4,567	4,499	142,209
Bethlehem	18,741	4,950	1,233,600	45,200	806	23	969	10	750	4,218	3,694	117,115
Clinton	16,025	3,780	1,029,961	29,455	630	29	878	24	577	2,291	1,655	91,699
Delaware	21,050	4,460	1,110,055	108,044	798	2	1,173	146	657	1,911	2,303	103,678
East and West Amwell...	18,720	4,209	933,415	46,626	713	13	983	190	772	2,596	2,129	105,873
Franklin	11,195	2,379	566,200	22,300	434	10	595	12	326	1,023	1,340	53,501
Lebanon	10,932	6,088	615,445	23,765	505	29	690	12	486	1,670	1,913	66,877
Raritan	20,344	3,501	1,222,900	45,530	808	11	1,181	96	670	1,906	1,999	113,222
Kingwood	16,867	4,436	741,430	50,098	652	.....	890	46	502	809	1,838	77,471
Readington	25,196	4,601	1,160,715	45,780	859	14	1,232	71	705	1,776	2,051	105,420
Tewksbury	14,198	5,000	1,393,005	29,960	593	41	822	18	613	1,769	1,192	80,224
Total	196,341	49,321	11,474,186	513,298	7,793	182	10,691	643	7,067	24,541	24,613	1,057,289

HUNTERDON COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bush-els of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bush-els of.	Value of Orchard Products.	Wine, gallons of.
Alexandria	32,127	21,832	113,274	54,476	.....	8,668	.....	12,560	.....	.....	12,437	3,504	.....
Bethlehem	29,927	14,780	111,410	49,588	.....	7,389	.....	8,936	.....	379	8,672	1,553	.....
Clinton	29,977	7,847	99,070	39,833	.....	6,289	744	3,487	20	20	7,268	.....	.....
Delaware	16,644	8,127	89,275	82,385	.....	4,958	.....	8,601	60	60	10,162	1,892	.....
East and West Amwell	14,131	10,882	100,420	83,484	.....	5,992	97	7,998	120	.....	6,825	7,355	.....
Franklin	7,618	4,516	50,276	47,316	.....	3,167	24	3,208	.....	.....	5,382	1,541	.....
Lebanon	10,220	15,082	55,630	31,164	.....	5,636	.....	6,027	.....	135	15,367	35	.....
Raritan	14,984	13,506	103,613	80,368	.....	6,009	159	9,274	8	18	7,571	4,937	.....
Kingwood	6,453	10,873	62,110	71,580	.....	3,118	.....	5,752	.....	.....	11,787	2,826	.....
Readington	12,278	19,232	90,955	82,358	.....	4,771	159	7,292	.....	40	6,508	2,323	.....
Tewksbury	14,469	6,985	78,755	56,987	.....	4,492	28	5,391	.....	240	11,293	1,510	.....
Total.....	188,828	133,662	954,788	679,539	.....	60,489	1,211	78,526	208	892	103,272	27,476	.....

HUNTERDON COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Alexandria		130,636		3,899	1,335	58		7,565	917		2,195	244	28,935
Bethlehem		87,200		2,813	902	13			140			80	17,461
Clinton		89,800		2,467	896	49		225	224		450	207	16,412
Delaware		87,740		3,503	846	761		34,563	1,935		950	680	22,998
East and West Amwell		100,510	150	3,609	1,902	926		20,745	1,061		1,570	682	26,165
Franklin		59,600		1,773	400	178	11	4,885	511		1,438	217	13,314
Lebanon		68,600		1,662	691	58		2,416	404		922	470	14,778
Raritan		117,600	550	4,114	829	776	126	17,536	1,328		2,027	463	25,554
Kingwood		85,856		2,528	751	362		22,830	1,330		2,426	936	20,013
Readington	540	88,600		4,005	923	274		8,310	1,156		945	269	20,999
Tewksbury		59,537		1,874	716	26		3,078	557		1,248	1,180	14,085
Total	540	975,679	700	32,247	10,191	3,481	137	122,153	9,563	.....	14,171	5,428	220,714

MERCER COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Hamilton	17,968	4,627	1,230,800	54,395	605	14	1,006	14	651	1,626	2,831	88,744
Ewing	7,894	1,564	775,067	32,625	341	17	471	14	225	518	1,073	50,216
East Ward of Trenton....	152	15	21,500	1,270	13	12	30	3	7	-----	100	3,185
Lawrence	11,285	2,287	811,945	24,835	453	18	698	10	362	758	1,513	63,708
Hopewell	29,343	6,066	1,625,610	66,559	1,071	43	1,580	146	1,030	3,101	3,650	152,204
Princeton	5,833	1,818	479,218	13,512	213	27	363	18	234	295	492	37,849
West Windsor	11,875	3,203	757,870	30,506	349	37	609	22	295	497	1,283	56,935
East Windsor	11,030	2,007	634,960	31,399	352	44	491	6	279	662	1,661	53,079
Total.....	95,380	21,587	6,336,970	255,101	3,397	212	5,248	233	3,083	7,457	12,603	505,920

MERCER COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Hamilton.....	21,654	6,457	92,690	42,008	.....	3,241	830	31,555	2,874	8	8,729	10,529	.....
Ewing.....	15,713	778	42,959	44,362	.....	943	476	7,840	116	6	3,327	4,478	.....
East Ward of Trenton.....	479	.....	780	270	.....	.....	.....	424	.....	.....	74	.....	.....
Lawrence.....	20,061	1,285	59,416	53,439	.....	2,172	.....	8,903	85	.....	3,553	4,272	.....
Hopewell.....	31,582	9,002	144,680	150,425	.....	7,818	.....	13,084	145	.....	11,054	15,524	.....
Princeton.....	8,730	968	31,965	27,375	.....	653	28	5,501	195	100	1,187	2,429	50
West Windsor.....	15,682	2,657	52,530	37,002	.....	1,376	.....	11,020	314	.....	5,355	4,376	27
East Windsor.....	10,834	1,398	43,650	21,242	.....	1,590	.....	13,597	669	.....	5,314	20,360	.....
Total.....	124,735	22,635	468,670	376,123	.....	17,793	1,334	91,924	4,398	114	38,593	61,968	77

MERCER COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Hamilton.....	4,772	82,411	4,070	3,374	13	57	—	—	—	—	1,267	—	25,354
Ewing.....	1,268	44,285	200	2,189	238	52	—	750	25	—	1,295	—	11,018
East Ward of Trenton.....	—	1,400	—	79	—	—	—	—	—	—	—	—	175
Lawrence.....	270	61,305	180	2,978	185	48	—	3,570	135	—	1,276	—	15,663
Hopewell.....	50	146,007	1,290	5,947	1,123	600	—	22,932	1,216	—	2,934	56	37,187
Princeton.....	400	29,830	—	2,021	142	53	25	700	308	—	73	147	13,424
West Windsor.....	5	47,060	—	2,062	229	85	—	750	44	—	607	92	15,714
East Windsor.....	—	41,680	1,100	1,831	57	89	—	—	—	—	143	176	13,527
Total.....	6,765	453,978	6,840	20,481	1,987	984	25	28,702	1,728	—	7,595	471	132,062

MIDDLESEX COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1ST, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
South Brunswick	25,821	6,433	1,163,300	54,439	801	83	1,189	54	809	1,073	2,416	115,016
Monroe	23,965	5,301	943,580	45,420	700	390	980	58	851	1,083	2,229	135,960
North Brunswick	13,940	10,099	965,195	30,351	509	51	752	42	400	173	1,145	65,917
Perth Amboy	2,860	928	223,441	7,455	62	4	151	53	125	129	209	16,162
Woodbridge	21,559	4,620	1,603,825	57,012	628	30	1,302	294	901	764	1,871	120,074
Piscataway	17,540	2,020	1,196,539	45,916	565	30	985	102	522	445	1,170	84,399
South Amboy	10,253	12,705	617,080	26,735	322	42	620	114	626	303	1,114	54,927
Total	115,938	42,106	6,712,960	267,328	3,587	630	5,979	717	4,234	3,970	10,154	592,455

MIDDLESEX COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
South Brunswick	18,792	3,940	79,175	58,730	.....	2,108	14	19,673	291	33	14,131	11,283	.....
Monroe	12,975	9,985	74,930	29,664	.....	1,446	.....	20,149	1,328	.....	14,006	38,782	.....
North Brunswick	12,083	3,036	56,131	23,848	.....	457	179	21,415	1,018	.....	5,955	15,789	.....
Perth Amboy	2,525	398	9,865	5,965	.....	272	.....	2,640	129	75	1,243	1,550	.....
Woodbridge	11,355	3,183	81,552	50,833	.....	604	.....	21,140	1	34	9,350	6,797	.....
Piscataway	14,702	10,909	94,504	38,390	.....	56	.....	19,467	60	83	5,047	5,891	.....
South Amboy	5,590	6,038	42,511	6,524	.....	644	.....	18,592	1,121	.....	2,946	8,426	.....
Total	78,022	37,489	438,668	213,954	.....	5,587	417	123,076	3,948	225	52,678	88,518	.....

MIDDLESEX COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaught- tered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.		Value of Home- made manufactures.
South Brunswick	205	91,269	50	4,020	75	141	.....	935	21	.....	1,931	47	22,920
Monroe		78,910		3,372	2		.....			.....	2,797	251	20,991
North Brunswick	11,225	45,136		2,383	41	35	.....			.....	812	120	11,557
Perth Amboy		14,825		774	6	16	.....			.....			3,243
Woodbridge		102,901		5,218	60	153	.....			.....	350		30,488
Piscataway		71,357		4,314	82	11	.....			.....	32		16,179
South Amboy	2,624	97,250		1,786			.....			.....	3,401	345	19,061
Total	14,054	501,648	50	22,267	266	356	.....	935	21	.....	9,343	763	124,439

MONMOUTH COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Imple-ments and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Shrewsbury	10,499	3,414	1,034,700	31,410	431	30	723	54	488	446	1,793	71,880
Atlantic	9,087	12,562	734,700	20,410	349	73	475	86	588	1,555	1,755	75,452
Ocean	11,432	6,645	1,154,140	32,820	531	32	778	78	714	580	1,625	79,824
Howell	13,391	12,858	654,500	37,505	619	43	941	130	845	728	2,142	69,088
Upper Freehold	24,539	9,074	1,596,350	71,500	785	62	1,095	32	1,166	3,742	6,029	154,095
Millstone	14,366	5,402	653,640	24,907	388	75	672	56	500	798	2,214	65,548
Freehold	13,935	6,335	1,065,100	36,530	518	119	770	51	566	1,147	3,176	95,587
Middletown	13,745	7,516	1,541,700	54,150	595	42	890	229	448	1,162	1,792	100,936
Raritan	10,348	5,874	1,310,100	44,280	486	46	626	121	421	849	1,705	87,851
Marlborough	10,819	6,507	1,043,500	35,360	383	81	599	108	478	1,400	1,925	75,850
Manalapan	13,578	6,253	734,490	37,036	370	133	617	61	513	1,289	2,270	81,313
Total.....	145,739	82,440	11,522,920	425,908	5,455	736	8,186	1,006	6,727	13,696	26,426	957,424

MONMOUTH COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Shrewsbury	12,280	1,956	54,375	12,738	.....	1,012	.....	82,258	5,513	100	1,668	4,713	.....
Atlantic	11,152	3,096	51,790	7,817	.....	3,077	125	51,480	3,329	316	1,503	1,988	.....
Ocean	8,452	6,791	59,328	14,256	.....	1,230	32	65,385	5,317	.....	2,362	1,602	.....
Howell	9,788	12,673	67,540	3,415	.....	1,759	.....	51,421	602	.....	6,051	2,555	.....
Upper Freehold	37,743	20,720	167,600	44,392	.....	7,601	105	60,835	850	24	6,666	18,347	.....
Millstone	9,552	7,071	55,870	12,517	.....	2,380	124	37,689	2,359	.....	4,870	11,318	.....
Freehold	16,961	4,608	93,886	20,902	.....	3,558	8	76,305	1,520	104	3,470	5,965	28
Middletown	15,277	4,318	68,723	7,793	.....	2,030	.....	141,439	7,708	30	1,178	20,475	.....
Raritan	12,226	4,013	74,785	11,305	.....	2,380	.....	65,520	9,043	200	1,701	15,800	.....
Marlborough	11,665	8,260	70,240	11,035	.....	3,999	4	80,690	1,120	80	1,998	3,240	5
Manalapan	7,808	9,327	76,935	12,376	.....	2,517	100	60,250	3,216	190	4,180	7,850	5
Total	152,904	82,833	841,072	158,546	.....	31,543	498	773,272	40,577	1,044	35,647	93,853	38

MONMOUTH COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Shrewsbury	1,890	60,745	500	2,462	22	2							29,080
Atlantic	9,456	39,055		1,811	30	4							15,690
Ocean	1,810	63,280	2,475	2,563		14							25,451
Howell		28,495	150	2,703	2		227				565	2,897	14,122
Upper Freehold		104,450	29,700	5,038									70,540
Millstone		37,293	1,870	2,084	20	101	124				2,355	1,076	20,602
Freehold	1,135	60,291	270	2,710	77	67½	14				1,753	5,933	24,739
Middletown	26,435	62,630	600	2,996	4						110	6,447	23,563
Raritan	13,039	37,850		2,707	24	37					760	75	16,888
Marlborough	2,705	22,830	500	1,953	9	40					1,510	220	14,084
Manalapan	2,669	111,683	120	2,093½	46½	992½					2,519	727	26,183
Total	56,139	628,602	36,185	29,120½	234½	1,258	365				9,572	17,375	280,947

MORRIS COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Roxbury	13,169	10,646	578,154	23,210	515	17	714	129	541	1,618	1,352	68,560
Washington	16,285	8,706	816,030	32,385	639	24	855	43	585	1,946	2,043	85,712
Chester	10,369	4,539	565,900	22,085	386	2	543	78	360	1,430	1,048	87,674
Randolph	8,646	10,192	522,825	17,353	334	11	571	110	349	685	744	47,614
Mendham	9,746 ¹ / ₂	4,742	624,650	20,050	382	5	586	34	458	1,585	744	57,302
Morris	17,755 ¹ / ₂	10,256	1,225,310	33,791	600	13	1,215	240	1,187	1,977	1,419	106,976
Chatham	10,726	1,673	675,500	52,200	287	6	660	177	511	256	614	71,700
Hanover	21,161	5,746	1,277,975	59,285	503	8	1,563	342	879	2,191	1,672	133,743
Pequannock	13,792	11,728	885,283	22,459	450	2	1,109	350	988	1,611	1,186	93,237
Jefferson	5,071	9,931	229,100	5,651	126	5	328	90	295	429	413	25,465
Rockaway	9,822	21,382	581,270	14,729	244	13	708	286	686	1,191	601	57,194
Total	136,543	99,541	7,981,997.	303,198	4,516	106	8,852	1,879	6,838	14,919	11,836	805,177

MORRIS COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Roxbury	4,752	11,521	40,137	28,160	.....	4,700	10	5,390	.....	155	17,090	1,179	.....
Washington	13,784	9,831	73,632	37,626	.....	5,946	.....	6,937	.....	790	17,690	1,489	.....
Chester	6,203	2,903	98,000	40,742	.....	3,087	.....	4,164	.....	290	7,730	981	.....
Randolph	1,662	3,758	41,868	20,645	.....	2,122	12	6,241	.....	164	6,299	470	.....
Mendham	5,441	1,718	47,017	39,538	.....	3,194	222	5,110	.....	.....	8,327	1,695	.....
Morris	10,186	4,292	59,498	42,613	.....	3,764	404	15,169	145	202	8,141	10,071	.....
Chatham	5,216	1,485	29,842	18,151	.....	653	291	19,469	82	.....	2,730	5,910	.....
Hanover	7,774	8,837	54,465	25,323	.....	6,985	474	28,303	20	70	9,093	3,206	24
Pequannock	5,578	12,414	44,085	15,956	.....	5,770	2	29,162	.....	.....	8,834	40	.....
Jefferson	160	4,775	10,578	3,806	.....	1,047	112	5,239	.....	.....	7,156	.....	.....
Rockaway	570	10,037	25,244	8,821	.....	3,945	50	10,087	.....	.....	10,172	60	.....
Total	61,326	71,571	524,366	281,381	.....	41,213	1,577	135,271	247	1,671	103,262	25,101	24

MORRIS COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaugh- tered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.	Value of Home- made manufactures.	
Roxbury .....	.....	67,225	.....	2,517	98	29	.....	415	66	.....	3,775	6,535	17,273
Washington .....	.....	76,710	.....	1,978	480	52	.....	3,038	373	.....	3,209	6,663	23,215
Chester .....	.....	34,275	200	1,490	216½	.....	.....	.....	.....	.....	1,615	918	9,837
Randolph	40	33,360	.....	2,124	6	4½	.....	.....	.....	5	1,868	554	13,396
Mendham .....	.....	49,570	.....	1,679	130	8½	.....	.....	.....	.....	.....	.....	11,881
Morris	75	108,350	60	5,552	68	189	.....	.....	.....	.....	.....	19	23,077
Chatham	8,958	81,380	.....	4,087	3	38	.....	.....	.....	.....	1,606	.....	15,808
Hanover	3,470	175,255	4,300	9,296	9	129	.....	30	.....	.....	2,682	579	36,128
Pequannock	125	71,271	324	5,525	.....	.....	.....	.....	.....	.....	325	252	12,003
Jefferson	70	27,417	.....	1,277	.....	6	.....	.....	.....	.....	585	441	4,717
Rockaway	15	49,778	700	3,566	.....	.....	.....	.....	.....	.....	340	341	11,645
Total	12,753	774,591	5,584	39,091	1,010½	456	.....	3,483	439	5	16,005	16,302	183,980

OCEAN COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Brick	2,875	3,866	130,050	6,955	114	22	160	46	322	278	425	14,255
Jackson	2,737	4,060	78,150	5,413	89	39	187	14	208	249	390	16,090
Stafford	5,319	4,211	118,800	5,995	75	43	296	86	300	340	412	20,317
Union	4,515	5,940	123,050	5,225	78	19	296	74	310	396	306	18,072
Plumstead	6,557	3,865	474,200	27,960	270	27	453	4	417	1,469	2,771	52,873
Dover	4,463	6,445	165,050	5,055	92	65	237	38	356	297	441	23,305
Total	26,466	28,387	1,089,300	56,603	718	215	1,629	262	1,913	3,029	4,745	144,912

OCEAN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Brick	1,279	2,975	12,620	1,205	.....	710	.....	7,565	103	.....	1,076	235	.....
Jackson	753	2,153	9,488	196	.....	567	31	4,362	266	.....	620	276	.....
Stafford	1,945	1,371	9,425	2,922	.....	680	.....	4,730	367	.....	42	.....	.....
Union	412	2,024	9,110	1,325	.....	806	.....	2,369	207	.....	192	.....	.....
Plumstead	6,304	11,485	59,629	1,960	.....	2,881	.....	13,373	408	30	907	1,280	.....
Dover	1,370	2,075	8,185	543	.....	741	.....	5,820	801	.....	52	20	.....
Total	12,063	22,083	108,447	8,151	.....	6,385	31	38,219	2,152	30	2,889	1,811	.....

OCEAN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaughtered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.		Value of Home-made manufactures.
Brick		6,800		605			81				205	1,001	2,729
Jackson		8,540		442							565	352	3,269
Stafford		11,320	1,200	1,107								230	3,808
Union		11,660		1,327								192	3,963
Plumstead		30,275	10,300	1,370									4,591
Dover		9,464		1,228								85	3,207
Total		78,059	11,500	6,679			81				770	1,860	21,572

PASSAIC COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Acquackanonk	7,788	3,026	899,450	31,270	299	3	535	147	479	119	682	60,940
Paterson	1,415	388 $\frac{1}{2}$	303,750	9,758	66	-----	120	24	85	11	142	14,678
Manchester	3,608	2,692	518,250	15,412	122	4	241	80	163	21	236	25,998
Wayne	5,853	6,183	448,600	12,878	208	6	518	168	413	175	500	41,975
Pompton	6,471	34,044	619,300	12,695	196	34	425	154	454	666	617	47,172
Milford	9,017	15,870	415,625	15,060	233	10	816	331	672	962	996	64,954
Total	34,152	62,203 $\frac{1}{2}$	3,204,975	97,074	1,124	57	2,655	904	2,266	1,954	3,173	255,717

PASSAIC COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Acquackanonk	3,305	10,816	53,430	9,444	.....	430	991	26,620	.....	30	7,423	4,135	101
Paterson	735	1,837	12,235	2,390	.....	33	158	5,605	.....	.....	1,227	1,304	5
Manchester	1,349	3,991	21,990	4,645	.....	55	402	10,593	.....	8	2,501	2,922	55
Wayne	1,601	6,044	17,750	10,210	.....	396	58	19,158	.....	305	4,359	479	.....
Pompton	910	8,091	17,385	6,788	.....	1,657	.....	9,171	.....	.....	4,337	223	.....
Milford	196	10,730	17,423	7,969	.....	2,749	.....	8,022	.....	.....	11,462	585	.....
Total	8,096	41,509	140,213	41,446	.....	5,320	1,609	79,169	.....	343	31,309	9,648	161

PASSAIC COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Acquackanonk	7,662	51,871	1,310	2,385	15	37	109	-----	-----	-----	2,669	342	10,053
Paterson	2,030	8,554	-----	466½	-----	3½	-----	-----	-----	-----	138	50	1,742
Manchester	4,595	23,607	345	1,029	8	6	20	10	-----	280	932	50	3,751
Wayne	520	42,600	-----	2,175	12	8	-----	-----	-----	-----	1,300	180	9,448
Pompton	-----	38,882	277	1,951	20	10	-----	-----	-----	-----	1,928	360	10,214
Milford	-----	72,956	-----	3,019	2	9	-----	300	-----	-----	2,158	134	12,368
Total	14,807	238,470	1,932	11,025½	57	73½	129	310	-----	280	9,125	1,116	47,576

SALEM COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Imple- ments and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Lower Penns Neck	9,686	2,051	706,760	25,375	352	11	601	16	407	1,298	1,098	50,655
Salem	1,006	259	145,380	4,640	52	2	95	-----	37	50	102	7,480
Mannington	17,227	3,155	1,347,320	51,246	696	59	1,029	28	895	1,670	1,939	104,205
Elsinborough	6,237	892	450,460	15,985	222	14	347	8	418	215	436	33,221
Pilesgrove	16,931	3,030	1,121,674	48,247	694	18	935	12	683	1,741	2,929	99,817
Upper Penns Neck	12,879	6,375	697,279	30,823	428	10	661	22	651	668	1,382	59,839
Upper Alloways Creek	13,931	6,664	777,110	40,840	570	44	800	-----	644	1,219	1,543	70,974
Lower Alloways Creek	10,159	5,514	577,460	28,927	389	67	600	2	779	734	821	50,521
Pittsgrove	5,168	5,823	162,800	11,160	191	40	273	-----	253	689	751	23,543
Upper Pittsgrove	12,732	5,179	662,130	30,254	517	29	646	4	512	1,032	1,915	63,419
Total	105,956	38,942	6,648,373	287,497	4,111	294	5,987	92	5,279	9,316	12,916	563,674

SALEM COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Lower Penns Neck	18,651	2,744	99,952	28,256	.....	1,297	925	11,910	8,790	.....	460	8,580	.....
Salem	2,536	.....	13,808	2,210	.....	230	.....	3,414	.....	80	.....	620	.....
Mannington	36,520	1,669	179,148	44,001	.....	3,623	25	45,834	2,112	.....	1,317	9,986	.....
Elsinborough	12,753	50	53,770	12,619	.....	577	14	13,237	726	.....	196	2,070	.....
Pilesgrove	28,703	2,760	141,105	31,886	.....	2,831	29	54,351	3,710	.....	3,227	4,090	.....
Upper Penns Neck	10,687	4,010	78,730	7,584	.....	1,201	.....	14,159	38,769	.....	1,869	4,187	.....
Upper Alloways Creek	20,622	1,080	86,863	37,355	.....	3,099	414	11,046	1,707	.....	6,090	3,085	.....
Lower Alloways Creek	18,244	263	80,846	24,000	.....	2,194	77	7,699	453	.....	167	2,264	.....
Pittsgrove	4,083	1,190	21,520	5,366	.....	1,407	101	7,571	590	.....	3,333	375	.....
Upper Pittsgrove	21,072	661	69,880	33,641	.....	2,363	48	21,524	722	.....	8,640	2,473	.....
Total	173,871	14,427	825,622	226,918	.....	18,822	1,633	190,745	57,579	80	25,229	37,730	.....

SALEM COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaugh- tered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.		Value of Home- made manufactures.
Lower Penns Neck	615	45,449	320	2,465	325	14,965							14,266
Salem	50	6,418	100	456	73	404						30	2,393
Mannington	143	78,596	3,883	5,827	1,003	9,581							41,340
Elsinborough	200	18,539	2,750	2,557	58	15,397							7,473
Pilesgrove	85	66,161	13,604	3,876	743	35						13	51,184
Upper Penns Neck	4,048	46,375	1,650	3,145	56	6							20,967
Upper Alloways Creek	104	56,705	260	3,153	488	1,014					6		18,183
Lower Alloways Creek		35,110	2,256	3,711	152	7,509	3					73	10,893
Pittsgrove		11,793		353	109	21	157				1,982	256	4,965
Upper Pittsgrove		33,951	130	2,279	936	1,001	28				1,595	55	18,693
Total	5,245	399,097	24,953	27,822	3,942	49,933	188				3,583	427	190,357

SOMERSET COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Imple- ments and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Franklin	23,233	3,291	1,612,270	75,313	726	28	1,251	94	802	1,631	1,572	130,637
Bridgewater	14,476	2,604	875,665	44,232	415	15	768	114	626	1,390	888	81,867
Bernards	17,864	5,781	936,940	43,001	592	11	973	121	722	2,028	1,408	95,346
Warren	9,555	3,772	575,560	25,350	321	4	602	134	538	761	649	54,366
Branchburgh	10,895	1,285	590,372	20,038	409	2	554	60	456	1,646	1,048	61,889
Bedminster	17,017	3,877	826,768	28,219	565	9	770	64	484	2,027	1,079	80,271
Montgomery	16,666	2,124	874,840	26,855	572	22	859	70	579	2,159	1,182	80,271
Hillsborough	27,994	4,478	1,579,962	52,390	1,062	12	1,519	202	993	3,227	2,355	153,463
Total	137,700	27,212	7,872,377	315,448	4,662	103	7,296	859	5,200	14,869	10,181	738,110

SOMERSET COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Franklin	22,628	11,774	115,285	74,297	.....	2,725	129	17,540	128	69	6,497	24,348	.....
Bridgewater	14,959	8,247	71,944	47,066	.....	2,766	55	6,689	83	818	3,042	3,927	16
Bernards	14,713	4,312	81,970	74,330	.....	3,561	632	7,077	87	26	7,231	3,355	54
Warren	8,063	1,418	33,290	21,499	.....	2,115	402	7,411	557	98	3,377	2,815	.....
Branchburgh	7,808	12,732	63,150	42,279	.....	2,656	.....	3,340	.....	30	1,168	1,097	.....
Bedminster	10,959	5,502	78,770	74,911	.....	3,397	1	4,025	.....	.....	4,938	1,931	.....
Montgomery	14,631	8,695	83,404	62,144	.....	4,179	22	6,750	.....	.....	4,136	5,302	.....
Hillsborough	15,606	28,233	157,860	102,396	.....	6,067	.....	9,886	.....	268	7,036	4,796	.....
Total	109,367	80,913	685,673	498,922	.....	27,466	1,241	62,718	855	1,309	37,425	47,571	70

SOMERSET COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.											Value of Animals slaugh- tered.	
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bush- els of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Ho- ney, lbs. of.		Value of Home- made manufactures.
Franklin	95	109,230	.....	5,052	816	308	.....	1,269	97	.....	3,957	731	30,676
Bridgewater	255	65,495	.....	3,510	366	207	.....	1,171	330	.....	1,498	481	14,763
Bernards .....	.....	81,585	370	3,297	587	202	81	1,735	195	.....	2,971	13,670	19,299
Warren	15	48,173	150	2,508	70	127	27	495	20	5	945	13,205	8,922
Branchburgh .....	.....	38,820	.....	2,055	449	156	.....	4,527	637	.....	998	220	9,556
Bedminster .....	.....	57,615	.....	2,360	739	357	.....	2,050	272	.....	3,018	606	13,575
Montgomery .....	.....	62,675	.....	2,638	545	254	.....	2,020	531	.....	2,786	371	14,051
Hillsborough .....	.....	100,980	.....	5,211	1,593	991	.....	6,649	1,334	.....	3,826	576	27,741
Total.....	365	564,573	520	26,631	5,165	2,602	108	19,916	3,416	5	19,999	29,860	138,583

SUSSEX COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Imple-ments and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Stillwater	11,916	8,810	613,887	13,984	347	6	930	89	470	979	2,725	69,436
Hardiston	9,345	8,957	551,010	8,909	186	4	989	152	547	251	1,411	60,435
La Fayette	7,615	3,741	480,840	8,763	206	4	802	62	297	448	1,671	49,234
Newton	20,944	12,786	1,118,692	23,635	565	4	2,063	170	821	1,440	4,153	141,988
Vernon	17,126	12,381	931,140	14,602	353	8	1,919	287	1,576	652	2,623	140,262
Montague	6,173	4,233	306,900	7,293	173	2	565	60	320	147	976	38,802
Sandiston	9,621	5,547	465,100.	11,960	286	.....	939	66	371	389	1,745	53,758
Walpack	5,481	4,259	278,600	6,728	173	.....	448	38	223	425	938	30,523
Byram	3,867	4,796	177,800	6,405	151	4	300	62	268	281	503	25,397
Sparta	8,842	8,215	506,793	19,411	337	.....	963	92	476	797	1,821	64,360
Wantage	28,023	12,730	1,808,830	62,312	990	1	4,550	176	1,094	1,046	7,545	233,491
Green	6,782	3,913½	401,950	8,894	220	.....	621	48	271	622	1,344	42,260
Frankford	13,847	4,529	748,638	20,569	403	.....	1,727	124	573	832	2,660	99,723
Total	149,582	94,895½	8,390,180	213,465	4,390	33	16,816	1,426	7,307	8,309	30,115	1,049,719

SUSSEX COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bushels of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of Orchard Products.	Wine, gallons of.
Stillwater	5,637	17,171	39,185	13,252	.....	2,921	9	11,118	.....	.....	18,649	77	.....
Hardiston	4,565	15,456	26,950	7,905	.....	766	.....	5,986	.....	.....	7,354	.....	.....
La Fayette	4,081	14,559	26,930	8,545	.....	1,492	.....	4,666	.....	.....	9,837	.....	.....
Newton	9,952	33,857	83,370	25,601	.....	4,161	.....	17,134	.....	.....	28,055	.....	.....
Vernon	6,047	17,113	36,052	8,062	.....	2,230	.....	8,090	.....	.....	11,420	.....	.....
Montague	2,086	14,170	14,830	4,335	.....	658	.....	8,521	.....	.....	12,499	85	.....
Sandiston	2,721	18,810	30,025	7,609	.....	1,123	.....	8,517	.....	.....	17,219	456	.....
Walpack	2,448	12,010	13,995	5,741	.....	1,282	.....	5,762	.....	.....	9,600	420	.....
Byram	1,038	4,992	13,830	6,748	.....	784	.....	3,049	.....	.....	5,591	285	.....
Sparta	2,916	20,040	39,605	14,893	.....	2,077	43½	7,310	.....	12	11,941	411	.....
Wantage	13,068	36,626	71,610	24,442	.....	3,490	.....	15,372	.....	.....	23,944	500	.....
Green	6,950	7,620	25,390	8,066	.....	1,547	.....	5,100	.....	.....	6,480	225	.....
Frankford	4,497	17,371	37,482	15,812	.....	2,343	72½	9,395	.....	16	15,599	848	.....
Total	66,006	229,795	459,254	151,011	.....	24,874	125	110,020	.....	28	178,183	3,307	.....

SUSSEX COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Stillwater		91,835	50	1,937	77	86	-----	194	28	131	169	1,194	19,578
Hardiston		104,722		2,386	6	9	-----	-----	-----	-----	156	114	11,378
La Fayette		82,296		1,658	51	50	-----	15	-----	-----	180	344	11,031
Newton		232,351		4,353	185	123	-----	20	1	49	2,102	444	33,789
Vernon		215,847		5,347	6	15	-----	-----	-----	12	12	21	20,098
Montague		56,050		1,388	10	30	-----	-----	-----	-----	2,928	330	6,418
Sandiston		95,420		2,010	14	14	-----	210	9	-----	2,478	936	12,376
Walpack		39,760		918	71	10	-----	-----	-----	75	1,569	939	6,888
Byram		28,280		936	40	5	-----	-----	-----	-----	965	2,160	5,443
Sparta		81,161	280	2,010	127	11	-----	-----	-----	-----	340	447	14,506
Wantage		502,414		9,238	8	21	-----	-----	-----	-----	2,355	1,002	49,492
Green		76,045		1,155	264	21	-----	-----	-----	-----	738	648	11,322
Frankford	141	210,429		4,375	6 $\frac{1}{2}$	82 $\frac{1}{2}$	69	1,127	56	1,093	7,043	1,068	26,692
Total	141	1,816,610	330	37,711	865 $\frac{1}{2}$	477 $\frac{1}{2}$	69	1,566	94	1,360	21,035	9,647	229,011

WARREN COUNTY.

TOWNSHIPS.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1st, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Knowlton	8,554	4,772	567,750	14,154	392	4	607	26	235	1,746	2,148	54,014
Harmony	9,970	3,855	647,330	23,540	471	2	484	2	303	945	1,944	51,930
Franklin	9,992	3,407	718,950	22,520	453	14	480	.....	326	1,322	2,251	55,290
Greenwich	17,194	3,879	1,448,150	45,215	886	2	818	8	449	1,075	3,589	92,543
Hope	10,881	6,187	672,075	30,745	471	8	779	26	374	1,912	2,167	71,580
Mansfield	9,553	4,510	565,425	19,830	354	41	485	18	363	2,251	1,317	57,180
Washington	8,860	2,248	612,020	26,880	369	16	423	4	300	964	1,133	51,933
Belvidere	909	223	55,100	1,710	42	40	40	2	15	75	132	3,950
Oxford	11,541	5,777	761,455	31,845	502	16	658	32	333	1,405	1,961	66,314
Frelinghuysen	8,114	5,513	56,921	14,040	325	4	726	18	329	1,035	2,812	47,616
Independence	12,745	11,614	803,452	32,580	554	24	1,068	90	636	1,922	2,236	91,738
Blairstown	9,871	4,950	553,790	19,287	414	.....	719	34	253	1,697	2,138	62,473
Hardwick	4,166	3,197	201,337	6,016	154	.....	368	10	127	417	979	25,111
Pahaquarry	2,697	3,950	116,950	3,460	99	.....	149	18	107	312	612	13,548
Total	124,947	64,082	7,680,705	291,822	5,486	171	7,804	288	4,150	17,078	25,419	745,220

WARREN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bushels of.	Indian Corn, bush-els of.	Oats, bushels of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bush-els of.	Value of Orchard Products.	Wine, gallons of.
Knowlton	6,327	20,905	49,976	10,641	.....	5,483	.....	10,343	.....	.....	15,948	490	.....
Harmony	22,572	15,674	54,329	14,218	.....	3,670	.....	5,685	.....	.....	4,935	1,151	.....
Franklin	20,274	10,925	78,130	22,975	.....	3,489	.....	5,504	.....	.....	3,965	250	.....
Greenwich	53,282	28,932	126,299	32,994	.....	3,605	.....	12,075	.....	.....	2,938	1,593	.....
Hope	12,016	22,947	118,355	17,292	.....	4,872	13	8,429	.....	.....	12,839	775	.....
Mansfield	11,289	14,186	45,475	22,230	.....	3,738	.....	4,906	.....	.....	9,743	120	.....
Washington	19,682	10,422	59,360	29,510	.....	3,000	5	3,922	.....	123	4,157	423	25
Belvidere	865	1,810	3,950	500	.....	153	.....	1,425	.....	.....	1,232	100	.....
Oxford	16,467	25,506	69,275	18,318	.....	4,641	2	10,323	.....	.....	12,632	1,085	.....
Frelinghuysen	7,150	16,423	41,450	16,385	.....	3,215	.....	6,093	.....	.....	10,385	2,225	.....
Independence	17,614	19,698	68,595	23,882	.....	5,622	7	7,202	.....	.....	14,371	1,305	.....
Blairstown	6,036	23,957	41,830	14,399	.....	5,022	.....	9,049	.....	.....	13,489	1,017	.....
Hardwick	3,783	6,376	16,881	5,540	.....	1,311	.....	3,490	.....	.....	6,605	707	.....
Pahaquarry	1,403	6,415	7,070	2,132	.....	933	.....	3,652	.....	.....	4,757	.....	.....
Total.....	198,760	224,176	781,025	230,966	.....	48,754	27	92,278	.....	123	117,996	11,241	25

WARREN COUNTY—Continued.

TOWNSHIPS.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other Grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of Home-made manufactures.	
Knowlton		44,785	-----	1,474	106½	70	-----	1,400	147	-----	2,022	2,045	13,135
Harmony		48,000	-----	1,800	168	4	-----	150	33	-----	15	15	8,877
Franklin		48,300	-----	1,267	383	-----	-----	-----	117	-----	-----	-----	6,044
Greenwich	400	119,075	-----	3,026	710	-----	-----	-----	110	-----	-----	-----	12,250
Hope		69,685	-----	2,144	165½	79	5	1,375	130½	-----	2,205	1,570	14,109
Mansfield		46,475	-----	1,044	349	55	-----	-----	22	-----	-----	170	10,093
Washington	10	38,780	-----	1,173	338	39	-----	350	58	-----	262	264	5,023
Belvidere		2,580	-----	106	-----	-----	-----	-----	-----	-----	-----	8	980
Oxford		55,100	-----	2,056	175½	68	-----	360	64	-----	2,406	1,072	10,469
Frelinghuysen		90,384	-----	2,025	286	107	-----	865	405	-----	3,705	160	18,958
Independence		111,395	-----	3,075	326	38	-----	150	10	-----	3,423	5,504	24,978
Blairstown		65,290	-----	1,835	70½	105	-----	460	92	-----	2,305	1,308	14,132
Hardwick		42,980	-----	854	120	23	-----	125	46	315	700	638	7,694
Pahaquarry		10,430	-----	389	26	6	-----	250	9	-----	336	420	2,983
Total	410	793,259	-----	22,628	3,224½	594	5	5,485	1,243½	315	17,379	13,174	149,725

RECAPITULATION.

COUNTIES.	ACRES OF LAND.		Cash value of Farms.	Value of Farming Implements and Machinery.	LIVE STOCK, JUNE 1ST, 1850.							
	Improved.	Unimproved.			Horses.	Asses and Mules.	Milch Cows.	Working Oxen.	Other Cattle.	Sheep.	Swine.	Value of Live Stock.
Atlantic	15,006	34,585	685,425	27,386	598	88	1,181	203	2,224	1,549	2,169	88,066
Bergen	80,494	28,234	6,238,110	279,166	2,373	92	3,998	1,088	1,882	1,711	4,886	426,418
Burlington ..	132,017	40,670	11,666,550	316,217	5,203	413	12,545	572	8,004	20,981	35,376	1,063,412
Camden	53,968	77,416	4,651,048	153,622	1,924	377	3,669	57	1,330	2,133	9,107	344,363
Cape May	14,310	37,653	824,950	21,871	504	15	1,438	181	1,944	3,849	1,905	82,960
Cumberland ..	48,469 ¹ / ₄	71,646 ¹ / ₄	2,754,375	123,986	2,090	129	3,565	236	4,534	5,826	6,627	263,463
Essex	76,949	23,407	6,988,985	230,581	2,997	61	6,133	1,089	3,985	2,344	5,539	529,427
Gloucester ..	68,810 ¹ / ₂	52,897	4,548,128	191,372	2,529	149	4,029	27	1,987	2,758	11,423	368,464
Hudson	9,223 ¹ / ₂	7,729 ¹ / ₂	2,964,995	54,860	498	26	1,035	308	501	179	1,157	97,101
Hunterdon ..	196,341	49,321	11,474,186	513,298	7,793	182	10,691	643	7,067	24,541	24,613	1,057,289
Mercer	95,380	21,587	6,336,970	255,101	3,397	212	5,248	233	3,083	7,457	12,603	505,920
Middlesex	115,938	42,106	6,712,960	267,328	3,587	630	5,979	717	4,234	3,970	10,154	592,455
Monmouth ..	145,739	82,440	11,522,920	425,908	5,455	736	8,186	1,006	6,727	13,696	26,426	957,424
Morris	136,543	99,541	7,991,997	303,198	4,516	106	8,852	1,879	6,838	14,919	11,836	805,177
Ocean	26,466	28,387	1,089,300	56,303	718	205	1,629	262	1,913	3,029	4,745	144,912
Passaic	34,152	62,203 ¹ / ₂	3,204,977	97,074	1,124	57	2,655	904	2,266	1,954	3,173	255,717
Salem	105,956	38,942	6,648,373	287,497	4,111	294	5,987	92	5,279	9,316	12,916	563,674
Somerset	137,700	27,212	7,872,377	315,448	4,662	103	7,296	859	5,200	14,869	10,181	738,110
Sussex	149,582	94,895 ¹ / ₂	8,390,180	213,465	4,390	33	16,816	1,426	7,307	8,309	30,115	1,049,719
Warren	124,947	64,082	7,680,705	291,822	5,486	171	7,804	288	4,150	17,078	25,419	745,220
Total	1,967,991 ¹ / ₂	984,955	120,237,511	4,425,503	63,965	4,089	118,736	12,070	80,455	160,468	250,370	10,679,291

RECAPITULATION—Continued.

COUNTIES.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												
	Wheat, bushels of.	Rye, bush- els of.	Ind. Corn, bushels of.	Oats, bush- els of.	Tobacco, lbs. of.	Wool, lbs. of.	Peas and Beans, bushels of.	Irish Pota- toes, bush- els of.	Sweet Po- tatoes, bushels of.	Barley, bushels of.	Buckwh't, bushels of.	Value of Orchard Products.	Wine, gal- lons of.
Atlantic	7,382	8,350	68,868	3,674	20	3,518	464	16,592	5,053	.....	673	2,657	.....
Bergen	9,350	76,745	150,709	57,686	290	3,418	264	166,368	.....	115	48,724	46,528	83
Burlington	152,369	118,920	883,011	159,398	.....	43,781	2,048	364,461	47,682	10	29,744	53,433	255
Camden	66,440	22,138	259,684	22,139	.....	2,777	27	307,869	65,191	.....	10,620	20,805	.....
Cape May	16,334	1,402	84,915	11,027	.....	10,149	5	14,587	3,961	.....	61	2,188	.....
Cumberland	78,000	4,864	370,267	84,408	.....	13,830	529½	116,144	21,169	.....	21,835	11,252	2
Essex	34,637	23,653	297,076	151,765	.....	6,466	1,134	159,148	134	373	24,611	34,819	234
Gloucester	59,037	32,366	380,221	11,336	.....	3,079	.....	253,964	254,870	.....	12,111	22,995	782
Hudson	3,663	6,047	37,155	9,673	.....	132	.....	32,885	.....	135	3,998	4,367	60
Hunterdon	188,828	133,662	954,788	679,539	.....	60,489	1,211	78,526	208	892	103,271	27,476	.....
Mercer	124,735	22,635	468,670	376,123	.....	17,793	1,334	91,924	4,398	114	38,593	61,968	77
Middlesex	78,022	37,489	438,668	213,954	.....	5,587	417	123,076	3,948	225	52,678	88,518	.....
Monmouth	152,904	82,833	841,072	158,546	.....	31,543	498	773,272	40,577	1,044	35,647	93,853	38
Morris	61,326	71,571	524,366	281,381	.....	41,213	1,577	135,271	247	1,671	103,262	25,101	24
Ocean	12,063	22,083	108,447	8,151	.....	6,385	31	38,219	2,152	30	2,889	1,811	.....
Passaic	8,096	41,509	140,213	41,446	.....	5,320	1,609	79,169	.....	343	31,309	9,648	161
Salem	173,871	14,427	825,622	226,918	.....	18,822	1,633	190,745	57,570	80	25,299	37,730	.....
Somerset	109,367	80,913	685,673	498,922	.....	27,466	1,241	62,718	855	1,309	37,425	47,571	70
Sussex	66,006	229,795	459,254	151,011	.....	24,874	125	110,020	.....	28	178,188	3,307	.....
Warren	198,760	224,176	781,025	230,966	.....	48,754	27	92,278	.....	123	117,996	11,241	25
Total	1,601,190	1,255,578	8,759,704	3,378,063	310	375,396	14,174½	3,207,236	508,015	6,492	878,934	607,268	1,811

RECAPITULATION—Continued.

COUNTIES.	PRODUCE DURING THE YEAR ENDING JUNE 1, 1850.												Value of Animals slaughtered.
	Value of Produce of Market Gardens.	Butter, lbs. of.	Cheese, lbs. of.	Hay, tons of.	Clover Seed, bushels of.	Other grass Seeds, bushels of.	Hops, lbs. of.	Flax, lbs. of.	Flaxseed, bush. of.	Maple Sugar, lbs. of.	Beeswax and Honey, lbs. of.	Value of homemade man'f's.	
Atlantic	5,523	38,942	.....	9,569	.....	212	342	.....	.....	.....	1,677	9,411	22,307
Bergen	88,691	328,759	20	16,582	128	18	.....	65	4	232	6,648	213	84,081
Burlington	51,639	688,868	238,940	41,783	115	582	.....	.....	.....	.....	3,050	433	394,380
Camden	42,301	299,856	20,882	12,946	25	3	297	.....	.....	.....	2,542	216	72,382
Cape May	70	46,269	.....	9,972	.....	4	.....	.....	.....	.....	.....	1,425	20,580
Cumberland	7,919	174,802	4,340	21,795	900½	1,409	302	.....	.....	.....	8,497	3,172	78,301
Essex	31,932	378,233	685	29,287½	124	526½	.....	350	17	.....	4,556	864	118,481
Gloucester	44,329	257,022	12,295	14,152	43	82	4	.....	.....	.....	.....	624	112,324
Hudson	91,619	49,893	.....	4,161	2½	.....	81	.....	.....	.....	1,135	.....	16,830
Hunterdon	540	975,679	700	32,247	10,191	3,481	137	122,153	9,563	.....	14,171	5,428	220,714
Mercer	6,765	453,978	6,840	20,481	1,987	984	25	28,702	1,728	.....	7,595	471	132,062
Middlesex	14,054	501,648	50	22,267	266	356	.....	935	21	.....	9,343	763	124,439
Monmouth	56,139	628,602	36,185	29,120½	234½	1,258	365	.....	.....	.....	9,572	17,375	280,947
Morris	12,753	774,591	5,584	39,091	1,010½	456	.....	3,483	439	5	16,005	16,302	183,900
Ocean .....	.....	78,059	11,500	6,679	.....	.....	81	.....	.....	.....	770	1,860	21,572
Passaic	14,807	238,470	1,932	11,025½	57	73½	129	310	.....	280	9,125	1,116	47,576
Salem	5,245	399,097	24,953	27,822	3,942	49,933	188	.....	.....	.....	3,583	427	190,357
Somerset	365	564,573	520	26,631	5,165	2,602	108	19,916	3,416	5	19,999	29,860	138,583
Sussex	141	1,816,610	330	37,711	865½	477½	69	1,566	94	1,360	21,035	9,647	229,011
Warren	410	793,259	.....	22,628	3,224½	594	5	5,485	1,243½	315	17,379	13,174	149,725
Total	475,242	9,487,210	365,756	435,950½	22,280¾	63,051½	2,133	182,965	16,525½	2,197	156,682	112,781	2,638,552

INDUSTRIAL ESTABLISHMENTS.

COUNTIES.	No. of establishments.	Capital invested.	Value of raw material.	AVERAGE NUMBER OF HANDS EMPLOYED.		WAGES.		Value of annual product.
				Male.	Female.	Monthly for male labor.	Monthly for female labor.	
Atlantic.....	58	287,395	168,993	418	6	10,993	48	346,765
Bergen.....	70	402,880	668,143	362	131	7,491	1,135	1,012,163
Burlington.....	423	1,329,867	1,185,115	1,722	328	40,556	3,226	2,091,256
Camden.....	140	1,533,216	845,973	1,130	367	31,757	4,023	1,514,055
Cape May.....	4	1,200	1,200	4	-----	80	-----	2,400
Cumberland.....	151	616,895	476,119	951	14	25,303	130	916,732
Essex.....	814	6,076,092	3,971,156	11,403	5,303	278,834	47,821	16,293,198
Gloucester.....	140	518,100	306,337	588	-----	16,816	-----	605,877
Hudson.....	50	1,082,300	1,353,428	1,190	64	31,210	792	2,305,696
Hunterdon.....	214	413,215	468,872	493	24	10,646	321	753,605
Mercer.....	180	1,133,445	1,077,418	1,056	240	24,555	2,588	1,786,081
Middlesex.....	183	1,130,450	1,050,056	1,141	452	28,076	5,287	2,162,980
Monmouth.....	300	478,620	414,755	765	196	16,767	1,224	775,867
Morris.....	246	1,151,137	612,089	1,072	61	24,599	591	1,210,680
Ocean.....	50	288,350	92,174	332	-----	6,091	-----	188,677
Passaic.....	248	2,993,850	2,202,425	3,313	1,270	75,983	11,633	4,213,699
Salem.....	131	346,790	361,618	428	28	10,331	197	637,742
Somerset.....	132	426,113	391,234	407	224	8,609	1,194	641,727
Sussex.....	170	787,320	379,389	577	3	13,017	24	603,519
Warren.....	404	1,178,495	965,692	1,197	51	24,528	423	1,650,865
Total.....	4,108	22,184,730	21,992,186	28,549	8,762	686,242	80,657	39,713,586

REAL ESTATE AND TAXES.

COUNTIES.	Real estate.	TAXES.					
		County tax.	School tax.	Poor tax.	Road tax.	All other taxes.	Total.
Atlantic	880,040	3,938	1,403	-----	300	2,300	7,941
Bergen	5,815,875	4,882	622	3,860	6,200	-----	15,564
Burlington	16,916,714	20,456	1,740	-----	-----	21,269	43,465
Camden	6,817,120	9,521	3,602	-----	-----	17,786	30,909
Cape May	1,798,300	3,999	1,030	-----	1,150	-----	6,179
Cumberland	5,125,000	8,037	8,015	-----	4,900	783	21,735
Essex	22,527,989	15,015	5,870	10,567	11,281	52,590	95,323
Gloucester	2,413,107	5,913	1,138	-----	1,400	4,633	13,084
Hudson	6,715,610	7,750	2,840	2,450	2,325	18,273	33,638
Hunterdon	12,430,157	13,740	3,887	9,050	11,171	951	38,799
Mercer	11,522,789	10,847	5,501	3,750	7,130	19,395	46,623
Middlesex	6,627,054	13,280	5,213	5,511	8,100	4,710	36,814
Monmouth	7,385,797	8,099	4,694	4,421	7,600	10,542	35,356
Morris	7,903,146	13,199	2,938	788	12,385	2,768	32,078
Ocean	1,651,825	1,639	599	1,750	600	2,244	6,832
Passaic	5,043,985	6,775	1,332	6,401	7,543	2,462	24,513
Salem	6,162,228	15,993	3,049	-----	5,175	-----	24,217
Somerset	8,950,913	11,066	3,320	4,100	6,625	5,481	30,592
Sussex	8,521,976	8,718	2,876	1,165	17,004	2,500	32,263
Warren	7,941,994	7,818	3,037	778	8,725	3,121	23,479
Total.....	153,151,619	190,685	62,706	54,591	119,614	171,808	599,404

WAGES.

COUNTIES.	Av. monthly wages to a farm hand with board.	Average to a day-laborer with board.	Average to a day-laborer without board.	Average day wages to a carpenter without board.	Weekly wages to a female domestic with board.	Price of board to laboring men per week.
Atlantic.....	14 00	0 75	1 00	1 65	0 93	2 00
Bergen.....	9 00	0 50	0 75	1 31	1 00	2 00
Burlington.....	10 00	0 54	0 82	1 27	0 98	1 83
Camden.....	10 00	0 62	0 84	1 17	0 94	1 81
Cape May.....	10 00	0 75	1 00	1 37	0 75	1 75
Cumberland.....	12 00	0 82	1 07	1 37	0 70	1 90
Essex.....	10 00	0 73	1 00	1 24	1 17	2 07
Gloucester.....	11 00	0 67	0 95	1 22	1 00	1 95
Hudson.....	8 00	0 75	1 00	1 42	1 15	1 37
Hunterdon.....	9 00	0 57	0 76	1 18	0 83	1 79
Mercer.....	10 00	0 65	0 93	1 27	1 07	2 08
Middlesex.....	12 00	0 66	0 86	1 28	1 23	2 25
Monmouth.....	11 10	0 68	0 91	1 30	1 04	2 02
Morris.....	9 18	0 61	0 82	1 17	0 88	2 00
Ocean.....	11 00	0 69	0 95	1 35	0 90	1 85
Passaic.....	9 64	0 50	0 75	1 25	1 04	2 12
Salem.....	9 40	0 73	0 91	1 26	0 67	1 80
Somerset.....	8 12	0 48	0 71	1 12	0 90	1 69
Sussex.....	10 07	0 66	0 91	1 24	1 45	1 69
Warren.....	10 07	0 58	0 70	1 25	0 80	1 84
Average in the state....	10 18	0 65	0 88	1 28	0 97	1 89

PAUPERISM AND CRIME.

COUNTIES.	PAUPERISM.							CRIME.					
	Whole no. of paupers supported within the year ending June 1, '50.			Whole number of paupers on June 1, 1850.			Annual cost of support.	Whole number of criminals convicted within the year.			In Prison on June 1, 1850.		
	Native.	For'n.	Total.	Native.	For'n.	Total.		Native.	For'n.	Total.	Native.	For'n.	Total.
Atlantic.....	48	---	48	21	---	21	1,451	6	---	6	---	1	1
Bergen.....	100	20	120	33	6	44	2,991	14	4	18	---	---	---
Burlington.....	172	20	192	162	20	182	8,634	30	---	30	12	---	12
Camden.....	---	---	---	---	---	---	---	14	4	18	7	1	8
Cape May.....	36	---	36	20	---	20	810	4	---	4	1	---	1
Cumberland.....	---	---	---	48	3	51	2,500	6	---	6	---	---	---
Essex.....	238	154	392	149	50	199	18,919	48	79	127	15	16	31
Gloucester.....	34	20	54	30	15	45	---	2	3	5	---	---	---
Hudson.....	34	52	86	24	35	59	3,972	3	43	46	2	31	33
Hunterdon.....	119	15	134	84	4	88	6,883	2	---	2	1	---	1
Mercer.....	124	12	136	114	12	126	7,954	68	25	93	136	36	172
Middlesex.....	64	15	79	67	18	85	4,607	21	20	41	5	3	8
Monmouth.....	130	20	150	73	3	76	6,756	1	---	1	---	---	---
Morris.....	228	16	244	212	10	222	4,920	37	12	49	1	2	3
Ocean.....	33	4	37	22	4	26	1,962	1	---	1	---	---	---
Passaic.....	120	144	264	45	23	68	5,818	51	56	107	11	1	12
Salem.....	72	7	79	72	7	79	5,418	11	2	13	5	---	5
Somerset.....	74	8	82	67	8	75	4,789	12	9	21	2	1	3
Sussex.....	166	51	217	69	8	77	2,850	12	---	12	---	---	---
Warren.....	24	18	42	22	13	35	1,876	3	---	3	---	---	---
Total.....	1,816	576	2,392	1,339	239	1,578	93,110	346	257	603	198	92	290

EDUCATION.

COUNTIES.	COLLEGES.							
	No.	No. of teachers.	No. of pupils.	Amount annually realized from endowment.	Raised by taxation.	Received from public funds.	Received from other sources.	Total annual income.
Atlantic								
Bergen								
Burlington	1	24	123				32,700	
Camden								
Cape May								
Cumberland								
Essex								
Gloucester								
Hudson								
Hunterdon								
Mercer	1	11	240	2,000			35,000	
Middlesex	1	8	72	4,000				
Monmouth								
Morris								
Ocean								
Passaic								
Salem								
Somerset								
Sussex								
Warren								
Total	3	43	435	6,000			67,000	
Mercer County Theological School	1	5	130	4,380			4,367	
Middlesex County " "	1	3	35					

EDUCATION—Continued.

COUNTIES.	PUBLIC SCHOOLS.							
	No.	No. of teachers.	No. of pupils.	Amount annually realized from endowment.	Raised by taxation.	Received from public funds.	Received from other sources.	Total annual income.
Atlantic.....	31	31	840	-----	1,058	424	3,831	-----
Bergen.....	63	64	2,725	-----	634	1,731	3,994	-----
Burlington.....	150	166	6,771	626	4,790	6,892	21,939	-----
Camden.....	52	59	3,639	17	2,299	1,579	1,061	-----
Cape May.....	24	24	1,860	-----	920	842	2,550	-----
Cumberland.....	63	76	4,215	158	8,017	2,678	130	-----
Essex.....	90	100	7,475	240	12,470	2,763	1,572	-----
Gloucester.....	48	50	3,656	-----	640	2,219	466	-----
Hudson.....	16	31	1,641	-----	6,520	681	3,730	-----
Hunterdon.....	108	108	4,959	30	3,119	3,145	1,438	-----
Mercer.....	58	75	3,691	-----	5,715	2,467	2,100	-----
Middlesex.....	99	101	3,221	-----	1,633	4,089	3,143	-----
Monmouth.....	110	114	6,029	-----	4,569	4,920	7,320	-----
Morris.....	120	120	5,589	149	3,329	4,645	1,236	-----
Ocean.....	41	41	2,189	514	1,692	667	176	-----
Passaic.....	31	33	1,157	-----	1,307	887	3,951	-----
Salem.....	78	78	3,263	200	3,038	4,016	-----	-----
Somerset.....	85	85	4,203	80	4,549	2,859	7,971	-----
Sussex.....	120	120	7,196	-----	3,546	3,421	1,604	-----
Warren.....	97	97	4,295	17	2,662	2,645	1,290	-----
Total.....	1,484	1,573	78,614	2,031	72,507	53,570	69,502	197,610

EDUCATION—Continued.

COUNTIES.	ACADEMIES AND OTHER SCHOOLS.							
	No.	No. of teach- ers.	No. of pupils.	Amount an- nually real- ized from en- dowment.	Raised by taxation.	Received from public funds.	Received from other sources.	Total annual income.
Atlantic.....								
Bergen.....								
Burlington.....	32	78	1,400	142		557	62,106	
Camden.....	8	9	386	100	24	26	10,910	
Cape May.....								
Cumberland.....	1	4	50				1,000	
Essex.....	86	152	3,714	300			89,631	
Gloucester.....	2	2	90				1,000	
Hudson.....	10	28	765				3,080	
Hunterdon.....								
Mercer.....	29	53	858	700			14,555	
Middlesex.....	8	16	300				4,400	
Monmouth.....	4	14	174				16,450	
Morris.....	8	11	283				11,550	
Ocean.....								
Passaic.....	23	29	960	300			7,990	
Salem.....	2	4	125				1,000	
Somerset.....	2	3	70				560	
Sussex.....	4	6	166				3,000	
Warren.....	7	9	677	400			5,500	
Total.....	231	418	10,018	1,942	24	583	232,732	235,281

EDUCATION—Continued.

COUNTIES.	LIBRARIES.					
	PUBLIC.		PRIVATE.		TOTAL.	
	No.	Volumes.	No.	Volumes.	No.	Volumes.
Atlantic	14	1,859	.....	.....	.....	.....
Bergen	16	2,941	.....	.....	.....	.....
Burlington	28	12,783	3	9,525	.....	.....
Camden	3	1,380	8	9,000	.....	.....
Cape May .....	.....	.....	.....	.....	.....	.....
Cumberland	3	2,100	28	19,100	.....	.....
Essex	22	11,058	19	12,050	.....	.....
Gloucester	1	990	2	2,200	.....	.....
Hudson	1	1,000	7	9,200	.....	.....
Hunterdon	4	975	38	14,580	.....	.....
Mercer	10	33,000	13	18,300	.....	.....
Middlesex	4	11,800	42	23,160	.....	.....
Monmouth	1	134	45	13,499	.....	.....
Morris	5	3,355	.....	.....	.....	.....
Ocean	1	800	6	2,000	.....	.....
Passaic	1	800	.....	.....	.....	.....
Salem	7	3,150	61	17,097	.....	.....
Somerset	1	200	26	12,645	.....	.....
Sussex	12	1,660	19	5,665	.....	.....
Warren	1	200	7	2,800	.....	.....
Total	135	90,185	324	170,821	459	261,006

CHURCHES.

COUNTIES.	No. of Churches.	Aggregate Accommodations.	Total Value of Church Property.
Atlantic	18	4,900	22,500
Bergen	21	10,038	90,400
Burlington	83	34,745	323,559
Camden	35	13,225	136,400
Cape May	19	4,600	20,300
Cumberland	40	11,250	101,000
Essex	80	48,675	908,150
Gloucester	26	7,750	68,900
Hudson	21	9,967	172,100
Hunterdon	62	27,996	140,712
Mercer	38	18,600	251,000
Morris	42	19,985	191,900
Monmouth	60	23,760	198,800
Middlesex	47	19,782	205,100
Ocean	22	5,450	17,150
Passaic	27	13,155	152,400
Salem	41	17,200	127,300
Somerset	33	17,330	161,665
Sussex	44	16,625	95,550
Warren	48	19,900	153,950
Total	807	344,933	3,539,436

DENOMINATIONS.	No.	Accommodations.	Value of Church Property.
Baptist	103	41,625	319,000
Seventh day Baptist	4	1,600	15,600
Christian	8	2,835	10,400
Congregational	8	3,500	37,700
Dutch Reformed	66	39,146	460,430
Episcopal	50	18,847	463,409
Free	7	2,400	7,500
Friends	52	25,545	207,100
Lutheran	7	2,900	28,512
Methodist	312	109,350	683,850
Mormon	1	200	400
Presbyterian	146	81,400	1,175,250
Roman Catholic	20	8,835	93,885
Second Advent	1	200	600
Tunker	2	800	1,800
Union	5	1,450	6,500
Unitarian	2	450	1,500
Universalist	3	1,000	6,800
African (denom. not specified)	6	1,200	2,200
Independent	1	300	1,000
German Episcopal	1	600	10,000
“ Catholic	1	500	4,500
Bethel	1	250	1,500
Total	807	344,933	3,539,436

ABSTRACT OF THE SEVENTH CENSUS, 1850.

COUNTIES.	Dwellings.	Families.	White males.	White females.	Colored males.	Colored females.	Total free population.
Atlantic	1,584	1,608	4,593	4,157	106	104	8,960
Bergen	2,606	2,776	6,669	6,425	329	761	14,684
Burlington	7,356	7,650	20,659	20,535	1,032	977	43,203
Cape May	1,218	1,226	3,093	3,097	114	129	6,433
Camden	4,090	4,253	11,556	11,769	1,024	1,073	25,422
Cumberland	3,231	3,486	8,209	7,961	522	497	17,189
Essex	10,964	13,893	35,221	36,562	1,015	1,146	73,944
Gloucester	2,600	2,690	7,314	6,721	315	305	14,655
Hudson	2,861	4,047	10,481	10,838	241	259	21,819
Hunterdon	5,167	5,386	14,110	14,102	395	374	23,981
Mercer	4,624	4,993	13,007	12,980	970	1,029	27,986
Middlesex	4,657	4,945	13,453	13,802	644	725	28,624
Monmouth	5,155	5,402	14,183	13,744	1,143	1,168	30,238
Morris	5,076	5,545	14,662	14,484	512	481	30,139
Ocean	1,758	1,791	5,059	4,824	80	69	10,032
Passaic	3,369	4,293	10,920	11,002	303	327	22,552
Salem	3,545	3,620	8,861	8,554	1,077	975	19,467
Somerset	3,448	3,576	8,977	8,988	871	825	19,661
Sussex	3,851	3,922	11,499	11,179	161	149	22,988
Warren	3,854	3,978	11,220	10,770	188	178	22,356
Total.	81,064	89,080	233,746	232,494	11,542	11,551	489,333

ABSTRACT OF THE SEVENTH CENSUS, 1850—Continued.

COUNTIES.	Slaves.	Deaths.	Farms.	Manufacturing es- tablishments.	RECAPITULATION.	
					Dwelling houses in the state,	81,064
					Families in the state,	89,080
Atlantic	1	113	327	62	White males,	233,746
Bergen	41	159	1,128	71	White females,	232,494
Burlington		555	1,638	452		466,240
Cape May		82	285	4	Free colored males,	11,542
Camden		403	731	148	Free colored females,	11,551
Cumberland		241	884	190		23,093
Essex	6	1,083	1,745	836		489,333
Gloucester		152	954	141		
Hudson	2	372	254	52	Deaths during the year,	6,467
Hunterdon	8	271	2,486	309	Farms in cultivation,	23,905
Mercer	6	325	1,051	191	Manufacturing establishments producing	
Middlesex	11	533	1,523	196	\$500 and upwards annually,	4,374
Monmouth	75	378	2,014	377	Slaves,	222
Morris	19	288	1,843	242	Federal representative population,	489,466
Ocean		125	379	52		
Passaic	23	432	610	247		
Salem		268	1,313	142		
Somerset	27	197	1,550	137		
Sussex	51	271	1,653	184		
Warren	2	219	1,537	341		
Total....	222	6,467	23,905	4,374		

